

**SUMMARY REPORT OF INVESTIGATION****I. EXECUTIVE SUMMARY**

Date of Incident:	August 31, 2020
Time of Incident:	3:40 A.M.
Location of Incident:	██
Date of COPA Notification:	August 31, 2020
Time of COPA Notification:	4:36 A.M.

On August 31, 2020, Police Officer (“PO”) Abdalmahd Abdelhadi was off-duty and sleeping when he heard his garage door opening and closing. PO Abdelhadi got up and observed two intruders in his garage on his security camera. PO Abdelhadi grabbed his service weapon and ran out his back door and into his garage. The two intruders fled from the garage and entered their vehicle, which was parked in front of the garage. PO Abdelhadi gave chase on foot, at which point he reportedly observed the driver of the vehicle point a firearm in his direction. PO Abdelhadi, who was standing on the passenger’s side of the vehicle, fired one shot at the driver as the vehicle pulled away.

**II. INVOLVED PARTIES**

Involved Officer #1:	Abdalmahd <sup>1</sup> Abdelhadi, Star # 7147, Employee ID # ██████████, Appointed: December 18, 2006, Police Officer, Unit 191, DOB: ██████████, 1978, Male, White
Involved Individual #1:	Unknown
Involved Individual #2:	Unknown

**III. ALLEGATIONS**

Pursuant to section 2-78-120 of the Municipal Code of Chicago, the Civilian Office of Police Accountability (“COPA”) has a duty to investigate all incidents in which a Chicago Police Department (“CPD” or “Department”) member discharges their firearm. During its investigation of this incident, COPA did not find evidence to support allegations of excessive force related to PO Abdelhadi’s firearm discharge. COPA makes the following findings and recommendations.

<sup>1</sup> This is the spelling used by CPD; however, PO Abdelhadi stated this was incorrect in his COPA interview. Per PO Abdelhadi, the correct spelling of his first name is Abdalmahdi.

Officer	Allegation	Finding / Recommendation
Officer Abdalmahd Abdelhadi	1. On August 31, 2020, at approximately 3:40 A.M., at or near [REDACTED], Police Officer Abdalmahd Abdelhadi, Star #7147, discharged his firearm at unknown persons in violation of General Order 03-02.	Not sustained
	2. On August 31, 2020, at approximately 3:40 A.M., at or near [REDACTED], Police Officer Abdalmahd Abdelhadi, Star #7147, failed to immediately notify the Officer of Emergency Management and Communications of the firearms discharge, in violation of General Order 03-06(V)(A).	Sustained/Violation Noted

#### IV. APPLICABLE RULES AND LAWS

##### General Orders<sup>2</sup>

1. G03-02: Use of Force (effective February 29, 2020 – April 14, 2021)
2. G03-02-01: Force Options (effective February 29, 2020 – April 14, 2021)
3. G03-02-03: Firearm Discharge Incidents – Authorized Use and Post-Discharge Administrative Procedures (effective February 29, 2020 – April 14, 2021)
4. G03-06: Firearm Discharge and Officer-Involved Death Incident Response and Investigation (effective February 29, 2020 – April 14, 2021)

#### V. INVESTIGATION<sup>3</sup>

##### a. Interviews

On September 23, 2020, **PO Abdelhadi provided a statement to COPA.**<sup>4</sup> PO Abdelhadi reported on the morning of August 31, 2020, at approximately 3 A.M., he was asleep at home. He received multiple alerts on his phone that his garage door was opening and closing. He looked at his garage camera and saw an unknown vehicle in his garage. PO Abdelhadi grabbed his handgun and ran out his back door to the garage. He noticed a person in his garage and started yelling,

<sup>2</sup> Department general and special orders, also known as directives, “are official documents establishing, defining, and communicating Department-wide policy, procedures, or programs issued in the name of the Superintendent of Police.” Department Directives System, General Order G01-03; *see also* Chicago Police Department Directives System, available at <http://directives.chicagopolice.org/directives/> (last accessed November 17, 2021).

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

<sup>4</sup> Audio Att. 253; Transcript Att. 252.

“police, police,” as he opened the door. He then noticed a second person in his garage. The two individuals were both wearing hoodies and face masks. When PO Abdelhadi opened the garage door, the individuals began to flee. PO Abdelhadi chased them on foot and continued to announce his office. The two individuals got back into their vehicle, which was parked in front of the garage. The passenger dropped down in his seat and turned toward PO Abdelhadi, and the driver pointed a gun at PO Abdelhadi, causing the officer to discharge his firearm one time. PO Abdelhadi did not recall which hand the driver was holding the gun with. He said he knew it was a handgun because he could see the metal handgun with the barrel pointed toward him. PO Abdelhadi explained that he had absolutely no cover, and he thought the driver was going to shoot and kill him. PO Abdelhadi said the individuals drove away as he fired. He did not know if his shot struck the vehicle or the individuals.

PO Abdelhadi said he did not call OEMC to report the shooting because he feared the intruders were going to come back, so he had his wife call instead. He told his wife to report the off-duty police shooting, but she was also in a state of fear because their daughter had woken up.<sup>5</sup> PO Abdelhadi was wearing his boxers and handgun and did not have a phone to call OEMC himself.

COPA then reviewed security footage (ch09\_20200831033952)<sup>6</sup> with PO Abdelhadi and his counsel. COPA asked PO Abdelhadi if he could see anything in the driver’s hand as he fled from the garage. PO Abdelhadi said it looked like the driver was running, holding something in his waistband, and the passenger appeared to be holding a flashlight. PO Abdelhadi denied that he confused the flashlight for a handgun. COPA then reviewed additional security footage (ch09\_20200831033744)<sup>7</sup> at the request of PO Abdelhadi’s counsel. Counsel stated the beginning of the video appears to show the vehicle’s driver exiting the vehicle with something in his right hand. COPA said the item appeared to be a square iPhone, to which counsel agreed.

#### **b. Digital Evidence<sup>8</sup>**

In PO Abdelhadi’s **private security video**,<sup>9</sup> (“ch10\_20200831033827),” at 3:38 A.M. on August 31, 2020, the garage door opens and closes as a black vehicle drives past. The vehicle then reverses and parks in front of the garage door, which opens fully. The driver and the passenger exit the black vehicle in masks and hoodies and enter the garage. The video then ends.<sup>10</sup>

The second **private security video**,<sup>11</sup> (“ch10\_20200831033953),” shows the driver and the passenger run out of PO Abdelhadi’s garage and jump into their parked black vehicle at 3:39 A.M.

---

<sup>5</sup> As will be shown, PO Abdelhadi’s wife called 911 but failed to report the officer-involved shooting.

<sup>6</sup> Att. 184.

<sup>7</sup> Att. 186.

<sup>8</sup> This incident occurred off-duty. The responding officers’ body worn camera and in-car camera videos did not capture the incident or contain any relevant information and therefore is not summarized for this report.

<sup>9</sup> Att. 187.

<sup>10</sup> Att. 186 (ch09\_20200831033744) is an alternative angle of this same video.

<sup>11</sup> Att. 188.

PO Abdelhadi can be seen immediately following them with his weapon drawn. As the vehicle pulls away, PO Abdelhadi fires one shot at the passenger's side of the vehicle.<sup>12</sup>

The **Office of Emergency Management and Communications ("OEMC") 911 call**<sup>13</sup> captures PO Abdelhadi's wife reporting the incident at 3:41 A.M. on August 31, 2020. She identifies her husband as an off-duty police officer, and states that someone just broke into their garage. She provides her name as [REDACTED] and the address as [REDACTED]. The dispatcher responds he will send the police and ends the call.

### c. Physical Evidence

PO Abdelhadi was negative for **drugs and alcohol** in screenings conducted post-incident.<sup>14</sup>

**Crime Scene Processing Reports**<sup>15</sup> document that Evidence Technicians ("ETs") were assigned to process the scene of this incident, which consisted of taking digital photographs and video of the scene, taking photographs of the evidence that was identified, and taking photographs of the involved vehicle(s).<sup>16</sup> Field measurements were taken of the evidence/scene and ETs recovered and inventoried the evidence under RD # [REDACTED]. A drawing (also referred to as a plat) of the scene was also created for the crime scene.<sup>17</sup>

The recovered evidence includes, but is not limited to: PO Abdelhadi's weapon, the stolen black vehicle (Audi) used in the robbery, fingerprints lifts from items in PO Abdelhadi's garage, and biological swabs of PO Abdelhadi's weapon. From the crime scene, one (1) 9mm Hornady expended shell casing<sup>18</sup> belonging to PO Abdelhadi was discovered in the alley.

The **CPD weapons breakdown**<sup>19</sup> of PO Abdelhadi's weapon was conducted at approximately 7:07 a.m. on August 31, 2020, in the presence of COPA personnel. The weapon was a Sig Sauer Model P-365, 9mm semi-automatic pistol, Serial Number [REDACTED]. There was one cartridge in the chamber and 11 cartridges in the magazine, which had a 12-round capacity. All of the cartridges were Hornady 9mm Luger.

The **Department Ballistics and Fingerprint Laboratory Reports**<sup>20</sup> document the examination of latent fingerprints lifted from items in PO Abdelhadi's garage and the recovered firearms evidence, including PO Abdelhadi's weapon. An analysis of the reports shows the following facts that are relevant to this investigation: PO Abdelhadi's firearm was test-fired and determined to be operable. One (1) test-fired cartridge casing from PO Abdelhadi's weapon was compared to one (1) fired cartridge casing recovered from in front of the garage at [REDACTED]

---

<sup>12</sup> Att. 184 (ch09\_20200831033952), which is the video PO Abdelhadi's counsel discussed during the officer's COPA statement, is an alternative angle of this same video.

<sup>13</sup> Att. 2.

<sup>14</sup> Atts. 233, 235, and 236.

<sup>15</sup> Atts. 237, 238, and 239.

<sup>16</sup> Att. 238.

<sup>17</sup> Att. 248.

<sup>18</sup> Att. 237, CSM 1.

<sup>19</sup> Att. 229.

<sup>20</sup> Att. 245 and 247.

██████████ (CSM 1) and determined to be a match. Latent fingerprint lifts<sup>21</sup> from items in the garage were found to match PO Abdelhadi's fingerprints. Unidentifiable fingerprints from the garage were added to the unresolvable latent print database.

#### d. Documentary Evidence<sup>22 23</sup>

The **Incident Report for RD # ██████████**<sup>24</sup> reports that on August 31, 2020, at 3:38 A.M., at ██████████ there was an "Aggravated Assault on a Police Officer and Burglary." The report identifies the victim as PO Abdalmahdi Abdelhadim and the suspects as unknown. The narrative includes the names of officers who responded to the scene but no details about the incident.

The **Incident Report for RD # ██████████**<sup>25</sup> reports that on August 30, 2020, at 1:33 A.M., at ██████████, there was a "Robbery – Strong Arm/No Weapon." The report identifies the victim as ██████████ and the stolen property as a black 2014 Audi S8. The narrative reports that Mr. ██████████ returned home from a bar in a Lyft and was confronted by two offenders,<sup>26</sup> one of whom placed him in a headlock and said, "give me the fucking keys." Mr. ██████████ gave him the keys and the offenders fled in the stolen vehicle.

The **Tactical Response Report**<sup>27</sup> for PO Abdelhadi states that the officer was off-duty when an offender used deadly force likely to cause death or great bodily harm and posed an imminent threat of danger with a handgun. PO Abdelhadi responded with member presence, verbal directions, and by discharging his firearm one time. The reviewing supervisor is reported as Stefan Szubski, Star #1535.

#### e. Additional Evidence

The **weapons qualification and training records**<sup>28</sup> indicate that PO Abdelhadi was trained and qualified with the Sig Sauer Model P-365 9mm semi-automatic pistol, Serial # ██████████, used in the shooting.

## VI. LEGAL STANDARD

### a. Use of Deadly Force

The primary issue in the evaluation of every use of force is whether the force the officer used was objectively reasonable based on the totality of the circumstances faced by the officer and known to him or her at the time.<sup>29</sup> In fact, Department policy requires any use of force to be objectively reasonable, necessary, and proportional—and only insofar as that force is necessary to

---

<sup>21</sup> Att. 245.

<sup>22</sup> ShotSpotter did not capture this incident.

<sup>23</sup> No arrest report exists.

<sup>24</sup> Att. 202.

<sup>25</sup> Atts. 201, 240, 241, and 242

<sup>26</sup> At the time of this report, no arrests have been made in this case.

<sup>27</sup> Att. 227.

<sup>28</sup> Atts. 231, 232, and 234.

<sup>29</sup> General Order G03-02, sections (II)(D), (III)(B).

either ensure safety or prevent the escape of or effect the arrest of a subject.<sup>30</sup> The use of force policy taught to Department members is governed, in this case, by General Orders 03-02-01 and 03-02-03,<sup>31</sup> which states that Department members are authorized to use firearms against those classified as assailants as a last resort.<sup>32</sup>

There are two broad categories of assailants: subjects whose actions are aggressively offensive with or without weapons, and subjects whose actions constitute an imminent threat of death or great bodily harm to a Department member or to another person.<sup>33</sup> Pursuant to General Order G03-02 Use of Force, an imminent threat is defined as:

1. when it is objectively reasonable to believe that:
  - a. the subject's actions are immediately likely to cause death or great bodily harm to the member or other unless action is taken; *and*
  - b. the subject has the means or instruments to cause death or great bodily harm; *and*
  - c. the subject has the opportunity and ability to cause death or great bodily harm.<sup>34</sup>

When confronted with an assailant who constitutes an imminent threat, firearms and other deadly force responses are permissible.<sup>35</sup> However, even in these situations Department members are only permitted to use their firearms to protect against "an imminent threat to life or to prevent great bodily harm to the member or another person" and are prohibited from using their firearms as a warning or exclusively as a defense of property.<sup>36</sup>

During all use of force incidents, Department members must use **de-escalation techniques** to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances.<sup>7</sup> Officers must continually assess the situation to determine (1) if any use of force is necessary; (2) the appropriate level of force option based on the totality of the circumstances; and (3) if the level of force employed should be modified.<sup>8</sup> De-escalation techniques include, but are not limited to, establishing and maintaining verbal communication; using verbal control techniques and persuasion, advice, and warning prior to the use of physical force; using time distance and cover to isolate and contain a subject; and creating a zone of safety for security of officers and the public.<sup>37</sup>

#### **b. Immediate Notifications**

Department policy requires that any member who discharges their firearm must immediately notify OEMC of the discharge, provide all relevant information, and request additional resources.<sup>38</sup>

---

<sup>30</sup> General Order G03-02(III)(B).

<sup>31</sup> This report references the version of General Order 03-02-03 which was in effect on the date of the incident.

<sup>32</sup> General Order G03-02-03(II)(C).

<sup>33</sup> General Order G03-02-01(IV)(C).

<sup>34</sup> General Order G03-02(III)(C)(2).

<sup>35</sup> General Order G03-02-01(IV)(C)(2).

<sup>36</sup> General Order G03-02-03(II)(C), (II)(D)(1), (II)(D)(3).

<sup>37</sup> G03-02-02 (III).

<sup>38</sup> G03-02-03(III)(A).

### c. Standard of Review

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.<sup>39</sup> If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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.<sup>40</sup> 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.”<sup>41</sup>

## VII. ANALYSIS

### 1. COPA finds there is insufficient evidence to determine if Abdelhadi’s firearm discharge was permissible under Department policy.

COPA finds that, based on the totality of the circumstances, there is insufficient evidence to prove or disprove that PO Abdelhadi violated General Order 03-02 when he discharged his firearm. PO Abdelhadi was off-duty at the time of the incident and responding to a situation where he observed two unidentified intruders in his garage. Upon seeing PO Abdelhadi, the two intruders fled to their vehicle, whereupon PO Abdelhadi believed he observed the driver of the vehicle point a gun in his direction. As a result, PO Abdelhadi discharged his firearm one time as the vehicle fled. In the available security footage, the driver pulls away within seconds of entering the vehicle. The security footage is dark and COPA is unable to see beyond the front windshield into the driver’s hands. Although the driver does not appear to have a gun in his hand as he runs back to his vehicle, PO Abdelhadi maintained that he observed a weapon. PO Abdelhadi could not recall which hand the driver held the gun in, but he described seeing a metal handgun with the barrel facing him. Given PO Abdelhadi’s acknowledgement and transparency about his failure to notify

---

<sup>39</sup> 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 has found to be more probably true than not).

<sup>40</sup> See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016).

<sup>41</sup> *Id.* at ¶ 28.

OEMC of his firearm discharge, as well as the high-stress nature of the situation, COPA finds PO Abdelhadi credible in his belief that the driver had a weapon.

If the driver did in fact point a gun at PO Abdelhadi, the officer did not violate Department policy when he discharged his firearm. At the moment he fired, he was facing an unknown intruder who had a firearm pointed at him. PO Abdelhadi fired one shot as the intruders fled in their vehicle, and he did not fire again after it became clear they were no longer a threat. In this situation, PO Abdelhadi reasonably believed the driver had the opportunity, ability, and means to shoot him. Had the driver fired his gun, it could have killed or gravely injured PO Abdelhadi. Accordingly, all three elements of imminent threat are satisfied and the driver falls under the Department's categorization of an assailant who constitutes an imminent threat of death or great bodily harm.<sup>42</sup> However, in weighing the credibility of PO Abdelhadi's belief and the lack of evidence in the security footage, COPA lacks clear and convincing evidence that PO Abdelhadi reasonably believed the driver had a gun. Therefore, this allegation is **not sustained**.<sup>43</sup>

## **2. Officer Abdelhadi violated Department policy by failing to immediately notify OEMC after discharging his firearm.**

COPA finds that PO Abdelhadi failed to immediately notify OEMC after discharging his firearm, which is a violation of Department policy. This is undisputed as PO Abdelhadi admitted that he did not call 911. He said he asked his wife to call 911 and report there was an officer-involved shooting, but she did not relate this information because she was in a state of fear and their daughter had woken up. While COPA understands this was a high-stress situation for all parties, PO Abdelhadi's wife only reported a robbery when she called 911. The reporting requirement for officer-involved shootings is intended to safeguard the community and the involved officer(s), and it should be adhered to in all circumstances. For these reasons, COPA finds this allegation **sustained** as a violation of Rule 6.

## **VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

### **a. Officer Abdalmahd Abdelhadi**

#### **i. Complimentary and Disciplinary History**

In considering disciplinary recommendations for sustained findings, COPA reviewed PO Abdelhadi's disciplinary and complimentary histories.<sup>44</sup> He has received a total of 104 awards, including three Department commendations, three special commendations, one police officer of the month award, 16 complimentary letters, 65 honorable mentions, and various other awards. PO Abdelhadi has no sustained disciplinary history in the past five years.

---

<sup>42</sup> General Orders G03-02(III)(C)(2), G03-02-01(IV)(C)(2).

<sup>43</sup> Similarly, COPA cannot find that PO Abdelhadi's firearm discharge was not objectively reasonable, necessary, or proportional. PO Abdelhadi fired his weapon believing he faced an imminent threat and believing he needed to use his weapon to prevent the threat. He stopped firing once he believed the threat had subsided. In addition, PO Abdelhadi stated he did not have an opportunity to de-escalate the situation because he did not have cover. He also said he identified himself as a police officer before he fired. COPA has no basis to find these de-escalation attempts were insufficient under the circumstances.

<sup>44</sup> Att. 256.



**ii. Recommended Penalty**

COPA has found that PO Abdelhadi violated Rule 6 by failing to immediately notify OEMC of his firearm discharge. PO Abdelhadi admitted to and accepted responsibility for this failure. Given PO Abdelhadi’s lack of disciplinary history, COPA recommends he receive a **violation noted**.

**IX. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
PO Abdalmahd Abdelhadi	1. On August 31, 2020, at approximately 3:40 A.M., at or near [REDACTED], [REDACTED], Police Officer Abdalmahd Abdelhadi, Star #7147, discharged his firearm at unknown persons in violation of General Order 03-02.	Not sustained
	2. On August 31, 2020, at approximately 3:40 A.M., at or near [REDACTED], [REDACTED], Police Officer Abdalmahd Abdelhadi, Star #7147, failed to immediately notify the Officer of Emergency Management and Communications of the firearms discharge, in violation of General Order 03-06(V)(A).	Sustained / Violation noted

Approved:

[REDACTED]

11/22/2021

Matthew Haynam  
Deputy Chief Administrator – Chief Investigator

Date

[REDACTED]

11/22/2021

Andrea Kersten  
Interim Chief Administrator

Date

Appendix A

Assigned Investigative Staff

---

<b>Squad#:</b>	6
<b>Major Case Specialist:</b>	Emily Pierce
<b>Supervising Investigator:</b>	Steffany Hreno
<b>Deputy Chief Administrator:</b>	Matthew Haynam