



Log # 2023-0839

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On February 28, 2023, the Chicago Police Department's (CPD) Crime Prevention and Information Center notified the Civilian Office of Police Accountability (COPA) of an officer-involved shooting that occurred on February 28, 2023, at approximately 1:28 am, near ██████████² The incident was captured on a body-worn camera (BWC) video when CPD officers responded to a call about a person refusing to leave a home. When officers knocked at the front door of the residence, they heard a female voice, ██████████ ██████████ telling an unknown subject, ██████████ ██████████ not to shoot. A short time later as the officers approached the front door, they heard gunfire from inside the residence, which ultimately led to an exchange of gunfire between CPD officers and ██████████ Special Weapons and Tactics (SWAT) officers responded to the scene and, after another exchange of gunfire with ██████████ gained entry to the residence and placed ██████████ into custody. No one was struck by gunfire.

Upon review of the evidence, COPA served allegations that Officers Jameson Eisinas and Dmitriy Okunskiy discharged their firearms at or into a residence in violation of policy. Additionally, COPA served an allegation that Sgt. Reginald Ward failed to activate his (BWC). Following its investigation, COPA reached a sustained finding regarding the BWC allegation for Sgt. Ward, a Not Sustained finding for the firearm discharge allegation for Officer Eisinas, and an Exonerated finding for Officer Okunskiy's firearm discharge.

II. SUMMARY OF EVIDENCE³

On February 28, 2023, shortly after midnight, ██████████ arrived at his ex-girlfriend's home, ██████████ unannounced and rang the doorbell.⁴ ██████████ and ██████████ met in 2017 and dated for approximately one year, but ██████████ had not seen or heard from him since 2018.⁵ ██████████ who was around the corner at a friend's house, briefly chatted with ██████████

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

² Pursuant to § 2-78-120 of the Chicago Municipal Code, COPA has a duty to investigate all incidents in which a CPD member discharges their firearm. Therefore, COPA 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 Office of Emergency Management and Communications (OEMC) transmissions, BWC footage, third-party video, police reports, civilian interviews, and officer interviews.

⁴ Att. 155, pg. 7, lns. 9 to 12.

⁵ Att. 155, pg. 5, ln. 9 to pg. 7, ln. 8.

through her Ring doorbell camera and told him she would be home shortly.⁶ [REDACTED] arrived home approximately five minutes later and found [REDACTED] inside a waiting vehicle. Upon seeing [REDACTED] exited the vehicle and a passenger drove away. [REDACTED] and [REDACTED] spoke outside for a while, catching up, and then continued the conversation inside [REDACTED] residence. At some point, the conversation shifted. [REDACTED] began discussing a new religion he was studying, a fight he had with his sister, and confessed that he murdered his cousin. [REDACTED] also named random people that he felt should die and told [REDACTED] that God instructed him to kill people.⁷

[REDACTED] soon realized that she needed [REDACTED] to leave her residence, and she asked him if he had come there to kill her. [REDACTED] laughed and told [REDACTED] he was on “the run” and needed somewhere to stay for a couple of days.⁸ [REDACTED] told [REDACTED] he could not stay at her place. [REDACTED] discreetly sent her friend, [REDACTED] a text message and told him to listen. [REDACTED] then dialed [REDACTED] and placed her phone on the table so [REDACTED] could hear the conversation between her and [REDACTED].⁹ [REDACTED] referred to himself as a king and God. [REDACTED] then discussed the murder of a female security guard. He lifted his shirt, exposed a bulletproof vest he was wearing, and said it belonged to the security guard he killed.¹⁰ [REDACTED] then retrieved a firearm from his bag and said the firearm also belonged to the security guard.¹¹ At approximately 12:54 am, [REDACTED] dialed 911 and relayed that he received a text from a friend saying she was afraid because a male acquaintance was in her home speaking nonsensically about God, the devil, beating someone up, and he refused to leave.¹²

At approximately 1:09 am, Officers Ernesto Torres, and Androniki Ganczewski arrived on the scene, rang the doorbell, and knocked at the front door.¹³ [REDACTED] saw the police at the door from her Ring doorbell application and asked [REDACTED] if the police were looking for him. [REDACTED] grabbed his belongings from the table and said words to the effect of, “I’m going to bang it out.”¹⁴ [REDACTED] alluded to a shootout and said he was going to kill the police.¹⁵ Officer Torres heard [REDACTED] urging [REDACTED] not to shoot.¹⁶ Officers Torres and Ganczewski backed away from the door and requested an assist unit and a sergeant.¹⁷ [REDACTED] son, [REDACTED] heard [REDACTED] and [REDACTED] talking loudly and opened his bedroom door. [REDACTED] observed [REDACTED] with a gun in his hand.¹⁸ [REDACTED] suggested that [REDACTED] and [REDACTED] hide in the bathtub. [REDACTED] retrieved additional guns from his bag and tried to convince [REDACTED] to help him, saying,

⁶ Att. 155, pg. 7, ln. 13 to pg. 8, ln. 12.

⁷ Att. 155, pg. 12, ln. 16 to pg. 14, ln. 2.

⁸ Att. 155, pg. 14, lns. 3 to 15.

⁹ Att. 73 at 3:46 to 8:30.

¹⁰ Att. 165, pg. 10; Att. 155, pg. 15, lns. 17 to 23.

¹¹ Att. 155, pg. 15, lns. 22 to 24.

¹² Atts. 6 and 57; Att. 73 at 8:30 to 9:30.

¹³ Att. 23 at 2:35; Att. 155, pg. 16, ln. 2 to pg. 17, ln. 17; Att. 184 at 3:05.

¹⁴ Att. 155, pg. 18, lns. 15 to 20; Att. 156, pg. 9, lns. 18 to 19.

¹⁵ Att. 165, pg. 11.

¹⁶ Att. 23 at 3:29 to 3:50; Att. 159, pg. 14, lns. 10 to 15; Att. 184 at 4:00 to 4:35.

¹⁷ Att. 59 at 19:43.

¹⁸ Att. 156, pg. 7, lns. 17 to 23.

“We can get them.”¹⁹ ██████ declined. ██████ then placed several phone calls to various people, urging them to meet him at ██████ residence. ██████ told unknown people, “You can get them from the back. I got them from the front,”²⁰ in reference to shooting at the police.²¹

Additional officers arrived on the scene, followed by Sgt. Reginald Ward.²² Sgt. Ward rang the doorbell and knocked at the door.²³ He relayed through the Ring doorbell that he wanted to ensure everyone was okay. After several moments, Sgt. Ward opened the storm door, drew his weapon, and opened the unlocked entry door as Officer Torres announced, “Police.”²⁴ ██████ pointed a gun around the corner.²⁵ Sgt. Ward explained that he could not see ██████ entire body, but he saw ██████ arm and a gun in his hand. Sgt. Ward immediately retreated from the front door and ordered the officers to back away from the residence.²⁶

Sgt. Ward notified dispatch of an HBT (Hostage-Barricade-Terrorism) situation and requested assistance from SWAT.²⁷ Several officers on the scene shouted for ██████ to walk out with his hands up, to no avail.²⁸ Officer Torres alerted Sgt. Ward to ██████ location, noting that he could see ██████ through a side window.²⁹ ██████ and ██████ both yelled indistinctly from the residence.³⁰ According to ██████ said words to the effect of, “Get your bitch ass...”³¹ ██████ then stood behind a wall in the hallway, using it for cover, peeked around the wall, and fired a gunshot toward the front door at the police.³² Officers notified dispatch that there were shots fired in the house.³³ Officer Eisinas approached the residence, with other officers close behind, and opened the storm door to rescue ██████³⁴ The entry door was already open.³⁵ ██████ fired additional gunshots at the police from within the residence.³⁶ Officer Eisinas explained that he saw the muzzle flash from a firearm at the entryway to the bedroom/bathroom area,³⁷ to

¹⁹ Att. 155, pg. 19, ln. 23 to pg. 20, ln. 20.

²⁰ Att. 155, pg. 21, lns. 11 to 12.

²¹ Att. 155, pg. 21, lns. 2 to 19.

²² Att. 20 at 3:15; Att. 23 at 7:16, 8:30 and 13:06.

²³ Att. 20 at 7:30; Att. 23 at 14:35 to 15:26; Att. 186 at 00:22 to 02:07; Att. 189.

²⁴ Att. 20 at 9:10; Att. 23 at 16:00 to 16:17.

²⁵ Att. 159, pg. 15, lns. 3 to 5; Att. 162, pg. 22, lns. 5 to 6, and pg. 23, lns. 15 to 20.

²⁶ Att. 20 at 9:14 to 9:19; Att. 23 at 16:15 to 16:27; Att. 162, pg. 23, lns. 9 to 17 and pg. 25, lns. 5 to 14; Att. 190 at 00:00 to 00:10.

²⁷ Att. 59 at 32:38 to 33:16; Att. 162, pg. 26, ln. 20 to pg. 27, ln. 7.

²⁸ Att. 23 at 16:25 to 17:04.

²⁹ Att. 23 at 16:35 to 16:45; Att. 159, pg. 15, lns. 8 to 9.

³⁰ Att. 20 at 10:00 to 10:34.

³¹ Att. 155, pg. 24, ln. 10 to pg. 25, ln. 18. The quote can be found at Att. 155, pg. 24, ln. 11.

³² Att. 155, pg. 26, lns. 17 to 19; Att. 156, pg. 10, lns. 9 to 23; Att. 20 at 10:34; Att. 23 at 17:36; Att. 162, pg. 22, ln. 23 to pg. 26, ln. 10; Att. 187 at 1:03; Att. 190 at 01:25.

³³ Att. 59 at 33:45.

³⁴ Att. 20 at 10:53; Att. 160, pg. 20, lns. 8 to 22.

³⁵ Att. 160, pg. 45, lns. 3 to 9.

³⁶ Att. 20 at 10:53; Att. 23 at 17:55; Att. 159, pg. 28, lns. 3 to 12; Att. 160, pg. 21, lns. 14 to 18; Att. 187 at 1:21; Att. 190 at 01:43.

³⁷ Approximately eight feet from him.

the left of the front door facing in but could not see ██████³⁸ Officer Eisinas jumped off the porch to avoid being shot. Officers Eisinas, Okunskiy, and Torres returned fire, discharging their weapons toward the residence.³⁹

Officer Eisinas explained that after he jumped off the porch, he and other officers were still “taking fire” or being repeatedly shot at by ██████⁴⁰ There was glass and bullets coming toward him. Officer Eisinas discharged his weapon five times through the front door toward the muzzle flash from ██████ firearm.⁴¹ Officer Eisinas was standing in the grass, north of the walkway and front door, when he discharged his weapon.⁴²

According to Officer Okunskiy, he stood behind Officer Eisinas as Officer Eisinas opened the storm door.⁴³ Officer Okunskiy saw ██████ head, with his arm extended, shooting toward Officer Okunskiy and Officer Eisinas.⁴⁴ Officer Okunskiy explained that ██████ was standing on the left side of the room in a dark hallway.⁴⁵ Believing ██████ would kill him, Officer Eisinas, or others, Officer Okunskiy returned fire, discharging his weapon three times in ██████ direction.⁴⁶ Officer Okunskiy asserted that he had a clear view of his target when he discharged his weapon.⁴⁷

Officer Torres added that once Officer Eisinas dove off the porch, Officer Torres retreated to his original location, where he could see ██████ through the front and side windows firing at officers.⁴⁸ Officer Torres returned fire at ██████ discharging his weapon eight times.⁴⁹ Less than a minute later, the officers stopped firing, but ██████ discharged an additional round from inside the residence through the front bedroom window.⁵⁰

SWAT Officers Sergio Aponte and Chase Hill arrived on the scene and learned that there were possibly two hostages inside the residence in a closet and that the subject, ██████ had been peeking his head in and out of a hallway on the left side of the residence.⁵¹ CPD Commander Tyrone Pendarvis broadcasted his phone number over the loudspeaker and asked ██████ to call

³⁸ Att. 160, pg. 21, lns. 20 to 22; and pg. 22, lns. 2 to 16.

³⁹ Att. 20 at 10:53 to 11:01; Att. 22 at 11:26 to 11:34; Att. 23 at 17:55 to 18:03; Att. 155, pg. 32, ln. 20 to pg. 33, ln. 3; Att. 156, pg. 11, lns. 19 to 22; Att. 162, pg. 27, ln. 18 to pg. 28, ln. 20; Att. 187 at 1:23 to 1:30; Att. 190 at 01:45 to 01:53.

⁴⁰ Att. 160, pg. 22, lns. 18 to 21; and pg. 47, lns. 1 to 6.

⁴¹ Att. 71; Att. 160, pg. 22, lns. 21 to 23; pg. 23, lns. 2 to 10; pg. 25, lns. 5 to 16; pg. 43, lns. 3 to 14; and pg. 47, lns. 7 to 11.

⁴² Att. 20 at 10:59; Att. 160, pg. 24, lns. 20 to 23.

⁴³ Att. 157, pg. 35, lns. 6 to 10.

⁴⁴ Att. 157, pg. 35, ln. 11 to pg. 38, ln. 2.

⁴⁵ Att. 157, pg. 50, lns. 13 to 16.

⁴⁶ Att. 72; Att. 157, pg. 38, lns. 15 to 21, and pg. 70, ln. 23 to pg. 71, ln. 4.

⁴⁷ Att. 157, pg. 41, lns. 9 to 11.

⁴⁸ These windows were on the south end of the house. Att. 159, pg. 25, lns. 12 to 14.

⁴⁹ Att. 70; Att. 159, pg. 15, ln. 20 to pg. 16, ln. 1, and pg. 33, lns. 7 to 13; Att. 165, pg. 17.

⁵⁰ Att. 22 at 12:23 to 12:30; Att. 155, pg. 29, ln. 22 to pg. 30, ln. 2; Att. 160, pg. 26, ln. 18 to pg. 27, ln. 1.

⁵¹ Att. 158, pg. 16, lns. 10 to 21.

him.⁵² ██████ called the number, and the police urged him to release ██████ and ██████.⁵³ ██████ saw a CPD armored vehicle (BearCat) outside the residence and asked the police to move it back.⁵⁴ As the BearCat slowly reversed, ██████ threatened to shoot the hostages and gave a sixty-second countdown.⁵⁵ ██████ and ██████ went to ██████ bedroom and hid in the closet. Since ██████ bedroom faced the front of the house, ██████ pulled a mattress in front of the closet to shield her and ██████ from gunfire. ██████ tried “to talk him [██████] off the ledge,” to no avail.⁵⁶

As Officers Aponte and Hill gathered their equipment, ██████ fired at least one additional gunshot.⁵⁷ Believing ██████ had begun shooting the hostages, Officer Aponte yelled, “Rescue, rescue,” signaling that he, Officer Hill, and other CPD designees would enter the residence to separate the hostages from ██████.⁵⁸ Officer Aponte approached the front door of the residence with a rifle-rated ballistic shield in one hand and his firearm in the other.⁵⁹ Officer Aponte explained that the entry door was already open with a clear view into the residence; however, the storm door was closed.⁶⁰

With Officer Hill beside him and Officer Okunskiy third in line, Officer Aponte yelled, “Breach, breach!”⁶¹ As Officer Hill opened the storm door, Officer Aponte looked down the hall and to the left, the same location where other officers previously reported seeing ██████ and observed part of a torso and an arm holding a pistol⁶² pointed at Officer Aponte.⁶³ Officers Aponte and Hill immediately heard automatic, very rapid gunfire, and Officer Aponte observed correlating muzzle flashes coming seemingly straight at his face.⁶⁴ Believing ██████ would kill him, Officer Hill, or the officers behind him, Officer Aponte returned fire and discharged his weapon eleven times⁶⁵ while shouting, “Don’t move!”⁶⁶ ██████ retreated into the hallway, and Officer Aponte lost

⁵² Att. 23 at 58:00 to 59:48; Att. 162, pg. 31, ln. 17 to pg. 32, ln. 13; Att. 165, pg. 18.

⁵³ Att. 155, pg. 31, ln. 7 to pg. 32, ln. 1; Att. 156, pg. 12, lns. 4 to 7.

⁵⁴ Att. 156, pg. 12, lns. 1 to 7; Att. 158, pg. 17, lns. 6 to 24.

⁵⁵ Att. 158, pg. 18, lns. 1 to 7; “Rescue, rescue” can be found at Att. 158, pg. 18, lns. 10 to 11. Att. 165.

⁵⁶ Att. 155, pg. 28, ln. 6.

⁵⁷ Att. 20 at 55:53; Att. 22 at 56:27; Att. 92 at 0:19; Att. 155, pg. 32, lns. 5 to 8 and pg. 33, lns. 9 to 11; Att. 158, pg. 18, lns. 5 to 8; Att. 163, pg. 29, lns. 16 to 19; Att. 165, pg. 13; Att. 191 at 05:50 to 06:00.

⁵⁸ Att. 158, pg. 18, lns. 8 to 15.

⁵⁹ Att. 92 at 0:00 to 0:30; Att. 155, pg. 33, ln. 23 to pg. 34, ln. 2; Att. 158, pg. 18, lns. 16 to 19; Att. 185 at 8:17; Att. 188 at 00:00.

⁶⁰ Att. 158, pg. 18, ln. 23 to pg. 19, ln. 2.

⁶¹ Att. 157, pg. 49, ln. 22 to pg. 50, ln. 6; Att. 158, pg. 19, lns. 2 to 4.

⁶² Prior to ascending on the porch, Officer Hill could see into the residence and periodically saw ██████ peeking around a corner; however, once he and Officer Aponte approached to breach the residence, Officer Hill’s view into the residence was obstructed by Officer Aponte’s ballistic shield. Att. 163, pg. 24, ln. 17 to pg. 25, ln. 17.

⁶³ Att. 158, pg. 19, lns. 5 to 10.

⁶⁴ Att. 158, pg. 19, lns. 11 to 15; Att. 163, pg. 29, ln. 21 to pg. 30, ln. 2. Att. 165, pgs. 13 and 20. Officer Hill could only hear the gunshots; he could not see ██████ firing. Att. 163, pg. 31, lns. 5 to 12.

⁶⁵ Att. 68; Att. 158, pg. 31, lns. 2 to 8.

⁶⁶ Att. 92 at 0:30 to 0:42; Att. 158, pg. 19, lns. 16 to 23; Att. 185 at 8:30 to 8:36; Att. 188 at 00:13 to 00:22; Att. 191 at 06:03 to 06:15.

sight of him.⁶⁷ Officer Aponte stopped shooting, and Officer Hill deployed a flash-bang grenade into the residence.⁶⁸ ██████ fell into the closet on top of ██████ and held ██████ in front of him with his arm around her neck.⁶⁹

The officers entered the residence, and ██████ yelled that they were in the closet.⁷⁰ Officer Hill deployed a second flash-bang grenade as they entered the bedroom.⁷¹ The officers rescued ██████ and ██████ from the closet and placed ██████ into custody.⁷² ██████ was wearing a ballistic vest and had a firearm in an upper garment pocket.⁷³ In total, officers recovered four firearms⁷⁴ from the residence.⁷⁵ A name check revealed that ██████ did not have a valid Firearm Owner's Identification Card or Concealed Carry License. ██████ was charged with Issuance of a Warrant, two counts of Unlawful Restraint, two counts of Kidnapping with Discharge of a Firearm, and nine counts of Attempted Murder for discharging a firearm at CPD members.⁷⁶

Sgt. Ward acknowledged that he did not activate his BWC when he arrived on the scene.⁷⁷ According to Sgt. Ward, as he conducted surveillance and waited for additional resources, after the initial shooting, he realized he had not activated his BWC and subsequently activated it; however, there are no BWC recordings for Sgt. Ward on the date of the incident.⁷⁸

Attempts to interview ██████ regarding the incident were unsuccessful.⁷⁹

CPD reports document the recovery of evidence following the shooting.⁸⁰ Evidence Technicians (ETs) recovered forty-nine (49) fired cartridge cases from the crime scene. ETs recovered nineteen (19) fired cartridge cases (all Win 9mm Luger +P) from the exterior of the residence as follows: two (2) fired cartridge cases from the front walkway at ██████; seven (7) fired cartridge cases from the front yard at ██████; one (1) fired cartridge case from the bush in the front yard at ██████; seven (7) fired cartridge cases from the sidewalk at ██████; one (1) fired cartridge case from the front yard at ██████; and one (1) fired cartridge case from the parkway at ██████. ETs recovered thirty (30) fired cartridge cases (from a variety of manufacturers) throughout the home as follows: nine (9) fired cartridge cases from the living room floor; eight (8) fired cartridge cases from the east bedroom floor; nine

⁶⁷ Att. 158, pg. 32, lns. 10 to 12.

⁶⁸ Att. 158, pg. 19, ln. 24 to pg. 20, ln. 5; and pg. 31, lns. 15 to 23.

⁶⁹ Att. 155, pg. 34, lns. 3 to 6; Att. 165, pgs. 11 to 12.

⁷⁰ Att. 92 at 1:01.

⁷¹ Att. 92 at 1:45 to 1:49; Att. 158, pg. 21, lns. 19 to 24.

⁷² Att. 20 at 57:45 to 1:00:10; Att. 22 at 58:01 to 59:01; Att. 92 at 1:55 to 2:20; Att. 185 at 10:00.

⁷³ Att. 1; Att. 158, pg. 22, lns. 20 to 22.

⁷⁴ One Glock model 30 pistol; two Glock model 23 pistols; and one Smith & Wesson M&P Shield pistol. Att. 93.

⁷⁵ Atts. 1 and 93.

⁷⁶ Att. 1.

⁷⁷ Att. 162, pg. 44, ln. 24 to pg. 45, ln. 21.

⁷⁸ Prior to the incident, Sgt. Ward's last BWC recording was 1/10/2023, and his next recording is 3/15/2023. See Case Management System (CMS) note, CO-0762172.

⁷⁹ Atts. 132 and 192.

⁸⁰ Atts. 93, 109, and 164.

(9) fired cartridge cases between the east and west bedrooms on the hallway floor; two (2) fired cartridge cases near the hallway on the bathroom floor; and two (2) fired cartridge cases on the west bedroom floor.

CPD reports document the processing of Officer Torres's Smith & Wesson pistol and magazine.⁸¹ The weapon, whose magazine's capacity is seventeen (17) plus one (1) chambered round, was found to have nine (9) live rounds of ammunition in the magazine and one (1) live round in the chamber.⁸² The reports also document the processing of Officer Eisinas's Glock Model 19 pistol and magazine.⁸³ The weapon, whose magazine's capacity is fifteen (15) plus one (1) chambered round, was found to have ten (10) live rounds of ammunition in the magazine and one (1) live round in the chamber. Additionally, the reports document the processing of Officer Okunskiy's Sig Sauer P320 pistol and magazine.⁸⁴ The weapon, whose magazine's capacity is seventeen (17) plus one (1) chambered round, was found to have fourteen (14) live rounds of ammunition in the magazine and one (1) live round in the chamber. CPD reports further document the processing of Officer Aponte's Glock Model 17 pistol and magazine. The weapon's magazine had a capacity of seventeen (17) plus one (1) chambered round, was found to have six (6) live rounds of ammunition in the magazine and one (1) live round in the chamber.

The Illinois State Police (ISP) subsequently tested the ballistics evidence and determined that twenty-two (22) fired cartridge casings were fired by ████████ two Glock model 23 pistols.⁸⁵ Both firearms had an aftermarket selector switch that allows full automatic function. ISP determined that eight (8) fired cartridge casings (all Win 9mm Luger +P) were fired by Officer Torres's weapon; three (3) fired cartridge casings (all Win 9mm Luger +P) were fired by Officer Okunskiy's weapon; and seven (7) fired cartridge casings (all Win 9mm Luger +P) were fired by Officer Aponte's weapon.⁸⁶

ISP Forensic Scientists analyzed a gunshot residue collection kit administered to ████████ and determined that ████████ discharged a firearm, contacted a primer gunshot residue-related item, or had both hands in the environment of a discharged firearm.⁸⁷

CPD records show that on the morning of February 28, 2023, following the incident, Officers Torres, Okunskiy, Eisinas, and Aponte submitted to drug and alcohol testing per CPD policy. They each tested negative.⁸⁸

⁸¹ Atts. 29, 165 and 172.

⁸² Officer Torres's initial magazine was recovered from his vest pouch during the weapons breakdown, as he reloaded his firearm during the incident. Atts. 29, 165, pg. 9 and 172.

⁸³ Atts. 29, 165 and 172.

⁸⁴ Atts. 29, 165 and 172.

⁸⁵ Atts. 166 and 172.

⁸⁶ Att. 172.

⁸⁷ Att. 169.

⁸⁸ Atts. 136 to 140.

III. ALLEGATIONS

Officer Jameson Eisinias:

1. Discharging his firearm at or into the residence at [REDACTED] in violation of General Order G03-02-03.II.D.5.
 - Not Sustained

Officer Dmitriy Okunskiy:

1. Discharging his firearm at or into the residence at [REDACTED] in violation of General Order G03-02-03.II.D.5.
 - Exonerated

Sergeant Reginald Ward:

1. Failing to activate his body-worn camera in violation of Special Order S03-14.
 - Sustained, Violations of Rules 2, 3, 5, 6, 10, and 11.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals (sworn or unsworn) who provided statements regarding the incident.

V. ANALYSIS⁸⁹

a. Officers Torres and Aponte's use of force was within CPD policy.

Following a thorough review of the evidence, COPA has determined that Officer Torres' and Officer Aponte's use of force was within CPD policy. Prior to discharging his weapon, Officer Torres told Sgt. Ward he could see [REDACTED] from his position.⁹⁰ Officer Torres reported that he discharged his weapon when he saw [REDACTED] through the front and side windows firing at officers.⁹¹ When Officer Torres discharged his weapon, he was back in the same position as he previously was when he told Sgt. Ward he had eyes on [REDACTED].⁹² Additionally, Officer Aponte reported that he observed part of a torso and a pistol pointed at him, and immediately heard rapid gunfire with correlating muzzle flashes coming at him when he discharged his weapon.⁹³ COPA finds that Officer Torres' and Officer Aponte's use of force was consistent with CPD policy, and the actions of the officers in employing deadly force were objectively reasonable, proportional to the threat, and necessary to prevent imminent bodily harm to both [REDACTED] and [REDACTED] and the officers themselves. COPA also finds that the officers employed de-escalation tactics while it was safe and

⁸⁹ For a definition of COPA's findings and standards of proof, *see* Appendix B.

⁹⁰ Att. 23 at 16:37 to 16:43.

⁹¹ Att. 159, pg. 15, ln. 8 to pg. 16, ln. 4.

⁹² Att. 23 at 17:55 to 18:03.

⁹³ Att. 158, pg. 18, ln. 20 to pg. 19, ln. 23; Att. 92 at 0:36 to 0:40.

feasible. COPA further finds that the officers used deadly force as an option of last resort. COPA therefore concludes that Officer Torres' and Officer Aponte's use of deadly force complied with CPD policy.

b. There is insufficient evidence to prove that Officer Eisinas violated CPD policy when he discharged his firearm at or into the residence at [REDACTED].

Following a thorough review of the evidence, COPA has determined that there is insufficient evidence to conclude that the use of deadly force by Officer Eisinas was not objectively reasonable, considering the totality of the circumstances he faced. COPA also lacks clear and convincing evidence that Officer Eisinas's use of deadly force was lawful and proper. Therefore, COPA concludes that Allegation #1 is Not Sustained for the reasons set forth below.

CPD policy prohibits "firing into buildings, through doors, windows, or other openings, or in any other circumstance when the person lawfully fired at is not clearly visible, unless directed at a specific location and such force is necessary, based on the specific circumstances confronting the sworn member, to prevent death or great bodily harm to the sworn member or to another person. In such circumstances, the use of deadly force is permissible only if the member has identified the appropriate target prior to discharging the firearm and has taken precautions to minimize the risk that people other than the target will be struck."⁹⁴

[REDACTED] was an active shooter and discharged his firearm multiple times during the incident. When Officer Eisinas opened the storm door to rescue [REDACTED] after [REDACTED] initial shot(s), [REDACTED] fired additional gunshots at the officers. Officer Eisinas described seeing a muzzle flash from [REDACTED] firearm but said he could not see [REDACTED] corroborated that [REDACTED] pointed his firearm toward the officers. The totality of the circumstances illustrates that [REDACTED] unequivocally posed an imminent threat of death or great bodily harm to the officers when Officer Eisinas discharged his weapon into the residence or, as he described, through the front door toward the muzzle flash.

In question is whether [REDACTED] was clearly visible to Officer Eisinas when Officer Eisinas discharged his weapon. The evidence is insufficient to determine if Officer Eisinas, in fact, identified the appropriate target ([REDACTED] before discharging his firearm and took the necessary precautions to minimize the risk that [REDACTED] and/or [REDACTED] would be struck. When Officer Eisinas dove off the porch in response to [REDACTED] shooting at him and other officers, he fell to the ground and landed in the grass north of the walkway to the front door. Officer Eisinas stood up and instantaneously discharged his firearm into the residence through the front door.⁹⁵ While Officer Eisinas asserted that he could still see the muzzle flash from [REDACTED] firearm, Officer Eisinas was several feet back and to the left of the front door. The evidence is unclear if Officer

⁹⁴ Att. 112, G03-02-03(II)(D)(5), Firearm Discharge Incidents – Authorized Use and Post-Discharge Administrative Procedures (effective April 15, 2021 to June 28, 2023).

⁹⁵ Att. 187 at 1:23 to 1:30.

Eisinas could still see the muzzle flash from his vantage point, as he immediately discharged his weapon after he rolled off the porch. The evidence is also insufficient to determine if Officer Eisinas had sufficient time to identify the appropriate target when he discharged his weapon. Failure to identify the appropriate target in this instance could have had grave consequences, given Officer Eisinas's knowledge that there were two additional civilians in the home, and he was unaware of their location.

c. Clear and convincing evidence indicates that Officer Okunskiy's firearm discharge was within CPD policy.

Following a thorough review of the evidence, COPA finds there is clear and convincing evidence showing that Officer Okunskiy's firearm discharge was objectively reasonable, necessary, and proportional to his circumstances. CPD policy requires that CPD members only use force that is objectively reasonable, necessary, and proportional under the totality of circumstances to ensure the safety of a member or a third person, stop an attack, make an arrest, control a subject, or prevent escape.⁹⁶ The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.⁹⁷

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."⁹⁸ 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."⁹⁹

A threat is considered imminent "when it is objectively reasonable to believe that: (a) the person's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; and (b) the person has the means or instruments to cause death or great bodily harm; and (c) the person has the opportunity and ability to cause death or great bodily harm."¹⁰⁰ Officers are expected to modify the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary.¹⁰¹

Here, COPA finds by clear and convincing evidence that Officer Okunskiy's use of deadly force was objectively reasonable, considering the imminent threat he faced. Officer Okunskiy reported that he fired his weapon after observing ██████ head in a dark hallway with his arm

⁹⁶ Att. 181, G03-02(III)(B), De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 28, 2023).

⁹⁷ Att. 181, G03-02(III)(B)(3).

⁹⁸ Att. 181, G03-02(IV)(C).

⁹⁹ Att. 181, G03-02(IV)(C)(1-2).

¹⁰⁰ Att. 181, G03-02(IV)(B).

¹⁰¹ Att. 181, G03-02(III)(C)(2).

extended and shooting at him and Officer Eisinas. Believing ██████ would kill him, Officer Eisinas, or others, Officer Okunskiy returned fire, discharging his weapon three times in ██████ direction. Officer Okunskiy asserted that he had a clear view of his target when he discharged his weapon. The video evidence illustrates that Officer Okunskiy was on the front walkway and the closest officer to the front door when he discharged his weapon; therefore, it is extremely probable that from his vantage point, he had a clear view into the residence and saw ██████ shooting at the officers when he discharged his weapon. Officer Okunskiy asserted that he stopped firing when ██████ was no longer in his view. Officer Okunskiy's use of deadly force was proportional to the threat he and other officers faced. Based on the totality of the circumstances, COPA finds by clear and convincing evidence that Officer Okunskiy's firearm discharge complied with CPD policy.

d. COPA finds that Sgt. Ward failed to activate his BWC.

To increase transparency and improve the quality and reliability of investigations, CPD policy mandates all law-enforcement-related encounters be electronically recorded by BWC.¹⁰² Law-enforcement-related encounters include but are not limited to, foot and vehicle pursuits, traffic stops, investigatory stops, arrests, use of force incidents, high-risk situations, calls for service, emergency driving situations, and emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene. The recording of law-enforcement-related encounters is mandatory. Officers must activate their BWCs at the beginning of an incident and record the entire incident for all law-enforcement-related activities. If there are circumstances preventing the activation of the BWC at the beginning of an incident, the officer will activate the BWC as soon as practical. In this case, Sgt. Ward acknowledged that he did not activate his BWC when he arrived on the scene. It does not appear that there were any circumstances preventing Sgt. Ward from activating his BWC at the beginning of the incident. This was not an on-view incident that surprised Sgt. Ward but rather a direct response to a call for assistance. While Sgt. Ward stated he believed he activated his BWC later during the incident after realizing it was not activated, there are no BWC recordings for Sgt. Ward on the date of the incident. Sgt. Ward's failure to activate his BWC is particularly concerning, as he is a Supervisory Department member. COPA finds by a preponderance of the evidence that Sgt. Ward's failure to activate his BWC violated CPD policy and Rules 2, 3, 5, 6, 10, and 11; therefore, Allegation #1 against Sgt. Ward is Sustained.

VI. DISCIPLINARY RECOMMENDATION

a. Sgt. Reginald Ward

i. Complimentary and Disciplinary History¹⁰³

Sgt. Ward received a total of 133 awards, including one (1) 2009 Crime Reduction Award, one (1) 2019 Crime Reduction Award, 104 Honorable Mentions, and two (2) Special

¹⁰² Att. 182, S03-14(III)(A)(1), Body Worn Cameras (effective April 30, 2018 to December 29, 2023).

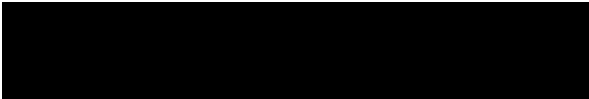
¹⁰³ Attachment 196.

Commendations. Sgt. Ward has no disciplinary history and just one (1) SPAR for no current license plates and/or city vehicle sticker.

ii. Recommended Discipline

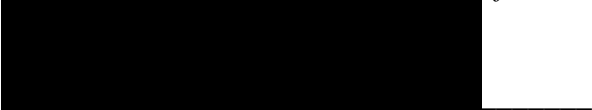
COPA has found that Sgt. Ward failed to activate his BWC during a weapons discharge incident. As stated, Sgt. Ward was called to the scene and should have activated his BWC immediately. Sgt. Ward is a leader and supervisor and should be a better example to his subordinates. Sgt. Ward was arriving at a high-stress situation that resulted in officers discharging his weapon. Sgt. Ward does not have a history of discipline. COPA recommends a penalty of Violation Noted.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

August 20, 2024
Date



Andrea Kersten
Chief Administrator

August 20, 2024
Date

Appendix ACase Details

Date/Time/Location of Incident:	February 28, 2023 / 1:28 am / [REDACTED]
Date/Time of COPA Notification:	February 28, 2023 / 2:10 am
Involved Member #1:	Jameson Eisinas, Star #16897, Employee ID # [REDACTED] Date of Appointment: November 24, 2014, Unit of Assignment: 005, Male, White
Involved Member #2:	Dmitriy Okunskiy, Star #19855, Employee ID # [REDACTED] Date of Appointment: April 16, 2021, Unit of Assignment: 005, Male, Hispanic
Involved Member #3:	Reginald Ward, Star #2206, Employee ID # [REDACTED] Date of Appointment: October 31, 2005, Unit of Assignment: 005, Male, Black
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 11:** Incompetency or inefficiency in the performance of 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

- G03-02: De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 28, 2023)
- G03-02-01: Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023)
- G03-02-03: Firearm Discharge Incidents – Authorized Use and Post-Discharge Administrative Procedures (effective April 15, 2021 to June 28, 2023)
- S03-14: Body Worn Cameras (effective April 30, 2018, to December 29, 2023)

Appendix B

Definition of COPA's Standard of Proof

COPA applies a preponderance of the evidence standard to determine whether allegations of excessive force are warranted or well-founded.¹⁰⁴ A **preponderance of evidence** is evidence indicating that it is more likely than not that a proposition is proved.¹⁰⁵ For example, if the evidence COPA gathers in an investigation establishes that it is more likely than not that misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Definition of COPA's Findings and Standards of Proof

Additionally, 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.¹⁰⁶ 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.”¹⁰⁷

¹⁰⁴ See Municipal Code of Chicago, Ch. 2-78-110

¹⁰⁵ *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (“A proposition is proved by a preponderance of the evidence when it has been found to be more probably true than not.”).

¹⁰⁶ 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).

¹⁰⁷ *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