



Log # 2024-1939

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On January 17, 2024, 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 1:46 am, in the vicinity of 13091 S. Evans Avenue.² COPA responded to the shooting and learned that Officers Omar Jimenez and Michelle Drapala, who were driving a marked SUV, responded to a ShotSpotter alert in that area. Officers Jimenez and Drapala drove east on 131st Street, turned north on Evans Avenue and stopped their vehicle. An individual, now known to be ██████████³ emerged from the rear north end of a building located at the intersection of 131st and Evans, and fired at Officers Jimenez and Drapala, striking their marked SUV. Officer Drapala, who was the passenger, discharged her firearm from inside the vehicle, striking the front windshield. Officer Jimenez attempted to reverse the SUV, but it became disabled.

Officers Jimenez and Drapala exited the SUV and searched for cover. As Officers Jimenez and Drapala searched for cover, ██████████ fired at the officers again. Officer Jimenez discharged his firearm in ██████████ direction. Officers Jimenez and Drapala reported to OEMC that shots had been fired at and by the police and requested assistance. Upon the arrival of additional officers and with the assistance of officers assigned to Unit 005 Strategic Decision Support Center (SDSC), ██████████ was apprehended without further incident. No one was struck by any of the gunfire. Following the investigation, COPA determined that Officers Jimenez's and Drapala's use of deadly force was objectively reasonable based on the totality of the circumstances.

II. SUMMARY OF EVIDENCE⁴

On January 17, 2024, Officers Jimenez and Drapala were assigned to the Altgeld Garden Housing Unit and were driving a marked SUV. At approximately 1:46 am Officers Jimenez and Drapala received a ShotSpotter alert in the vicinity of 13091 S. Evans Avenue and made 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 COPA contacted ██████████ attorney, ██████████ who refused to allow ██████████ to provide a statement to COPA at this time. CMS Note:C0-1409293

⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including body worn camera (BWC) videos, in-car camera video, Chicago Housing Authority (CHA) videos, 911 calls and radio transmissions, Chicago Police Department (CPD) reports including ██████████ arrest report, case report, tactical response reports (TRR), firearm registration records, firearm qualification history, CPD inventory sheets, and interviews from involved officers.

decision to respond. Officer Jimenez drove east on 131st Street and turned north onto Evans Avenue. As Officer Jimenez stopped on Evans Avenue, [REDACTED] emerged from the rear north end of a building located at the intersection and discharged a firearm in the direction of Officers Jimenez and Drapala, who were seated inside the SUV. Officer Drapala, who was the passenger, discharged her firearm through their vehicle's windshield. Officer Drapala reported to COPA that she was in fear for the safety of both herself and her partner when she discharged her firearm. Officer Drapala reported shots fired at and by the police and requested assistance via the Department radio.⁵ Officer Jimenez attempted to reverse the SUV, but the vehicle became disabled.

Officers Jimenez and Drapala exited the disabled SUV and sought cover. As Officers Jimenez and Drapala sought cover, [REDACTED] discharged a firearm in the officers' direction again. Officer Jimenez observed [REDACTED] and, in fear for his and his partner's safety, discharged his firearm in [REDACTED] direction.⁶ Officer Jimenez reported shots fired at and by the police and requested assistance via the Department radio.⁷

In the meantime, additional officers arrived at the location of the incident. Officers assigned to the 005th District SDSC were able to view live surveillance footage from the cameras located on the property (Chicago Housing Authority) and provided the officers with information regarding [REDACTED] location within the apartment courtyard. After receiving that information, Sgt. James Paoletti, Officer Jimenez and additional uniformed officers observed [REDACTED] in the courtyard. Sgt. Paoletti and Officer Jimenez gave verbal commands to [REDACTED] to place his hands in the air and kneel on the ground. [REDACTED] complied and was placed into custody without further incident. A firearm was recovered from [REDACTED] right front pants area.⁸

III. ALLEGATIONS

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

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. In particular, COPA found Officer Jimenez and Officer Drapala to be credible in their statements. The officers' accounts were internally consistent. The officers did not have issues remembering the incident. Additionally, objective evidence, including video footage from a POD and the officers' BWCs, supports their statements.

⁵ Att. 115, pg. 11, lns. 15 to 19. See also Att. 101 (Audio).

⁶ Att. 116, pg. 11, lns. 8 to 23; pg. 20, lns. 8 to 13. See also Att. 100 (Audio).

⁷ Att. 116, pg. 11, ln. 24 to pg. 12, ln. 4.

⁸ Att. 14 at 10:00 to 10:20.

V. ANALYSIS⁹

a. Officers Jimenez's and Drapala's Use of Deadly Force Against ██████████ Complied with CPD Policy.

COPA finds that Officers Jimenez's and Drapala's use of deadly force was objectively reasonable, necessary, and proportional to the circumstances the officers faced. COPA further finds that the circumstances here did not allow for the officers to engage in de-escalation tactics where ██████████ shooting at the officers was sudden and unprovoked. COPA further finds that Officer Jimenez and Officer Drapala used deadly force as an option of last resort. COPA thus concludes by a preponderance of the evidence that Officer Jimenez's and Officer Drapala's use of deadly force complied with CPD policy.

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, in order to provide for the safety of any person or Department member, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape.¹⁰ This means CPD members may use only the amount of force necessary to serve a lawful purpose.¹¹ The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.¹²

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.¹³ 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 harm or level of threat to the sworn member, the person, another person, or property; (3) the level of resistance presented by the person; (4) the person's proximity to or access to weapons; (5) whether de-escalation techniques can be employed or would be effective; and (6) the availability of other resources.¹⁴

The discharge of a firearm in the direction of a person constitutes the use of deadly force under CPD policy.¹⁵ The use of deadly force is permitted only as a "last resort" when "necessary to protect against an imminent threat of life or to prevent great bodily harm to the member or another person."¹⁶ 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

⁹ For a definition of COPA's findings and standards of proof, *see* Appendix B.

¹⁰ Att. 110, G03-02(III)(B), De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023 to present).

¹¹ Att. 110, G03-02 (II)(C).

¹² Att. 110, G03-02 (III)(B)(3).

¹³ Att. 110, G03-02 (III)(B)(1).

¹⁴ Att. 110, G03-02 (III)(B)(1).

¹⁵ Att. 110, G03-02 (IV)(A)(1).

¹⁶ Att. 110, G03-02 (IV)(C).

to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay.”¹⁷

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.”¹⁸

Based on the review of the evidence, COPA finds that it is more likely than not that Officer Jimenez’s and Officer Drapala’s use of deadly force was objectively reasonable in light of the imminent threat the officers faced. The officers reported that they had fired their weapons only after ██████ fired at them, to protect their lives. The evidence supports their accounts. COPA finds it was thus objectively reasonable for the officers to believe that ██████ actions were immediately likely to cause death or great bodily harm.¹⁹ Additionally, COPA finds by a preponderance of the evidence that ██████ had the means or instruments and the opportunity and ability to cause death or great bodily harm.

Given the totality of these circumstances, COPA finds that Officers Jimenez and Drapala reasonably believed that ██████ posed an imminent threat to life when he fired in their direction. Officers Jimenez and Drapala responded by discharging their firearm to avert the threat. The evidence further indicates that the officers used only the amount of force necessary based on the circumstances they faced. The evidence shows that the officers stopped firing once ██████ no longer posed a threat of death or great bodily harm.

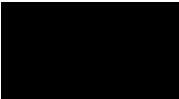
For these reasons, COPA finds by a preponderance of the evidence that Officer Jimenez’s and Officer Drapala’s use of deadly force was objectively reasonable, necessary, and proportional based on the totality of the circumstances. COPA finds their use of deadly force complied with CPD policy.

¹⁷ Att. 110, G03-02 (IV)(C); 720 ILCS 5/7-5.

¹⁸ Att. 110, G03-02 (IV)(B)(emphasis added).

¹⁹ By his actions, ██████ met the definition of an “assailant” under CPD policy. See Att. 111, G03-02-01(IV)(C), Response to Resistance and Force Options (effective June 28, 2023 to present).

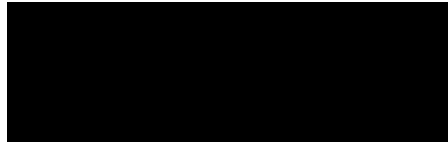
Approved:



Shannon Hayes
Director of Investigations

November 18, 2024

Date



Andrea Kersten
Chief Administrator

November 18, 2024

Date

Appendix A

Case Details

Date/Time/Location of Incident:	January 17, 2024/ 1:46 am / 13091 S Evans Avenue
Date/Time of COPA Notification:	January 17, 2024/ 2:12 am
Involved Officer #1:	Omar Jimenez, Star #10303, Employee ID # [REDACTED], Date of Appointment: August 27, 2018, Unit 005, Male, Hispanic
Involved Officer #2:	Michelle Drapala, Star #18535, Employee ID # [REDACTED], Date of Appointment: December 19, 2019, Unit 005, Female, Hispanic
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.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- General Order G03-02, De-escalation, Response to Resistance, And Uses of Force (effective June 28, 2023 – present).
- General Order G03-02-01, Response to Resistance and Force Options (effective June 28, 2023 – present).
- 720 ILCS 5/7-5

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 allegation 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.²⁰ 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.”²¹

²⁰ 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).

²¹ *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 Information

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