

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

**IN THE MATTER OF CHARGES FILED AGAINST )**  
**POLICE OFFICER LUIGI SARLI, )** **No. 21 PB 2986**  
**STAR No. 14398, DEPARTMENT OF POLICE, )**  
**CITY OF CHICAGO, )**  
)  
)  
) **(CR No. 1091275)**  
**RESPONDENT. )**

**FINDINGS AND DECISION**

On January 21, 2021, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Luigi Sarli, Star No. 14398 (“Respondent”), recommending that Respondent be discharged from the Chicago Police Department for violating several Rules of Conduct.

A hearing on these charges against Respondent took place before Hearing Officer April Perry on November 3, 4, and 8, 2021. Following this evidentiary hearing, the members<sup>1</sup> of the Police Board read and reviewed the record of the proceedings, including the Hearing Officer’s Report (neither party filed a response to this report), and viewed the video recording of the entire evidentiary hearing. Hearing Officer Perry made an oral report to and conferred with the Board before it rendered its findings and decision.

**POLICE BOARD FINDINGS**

As a result of its hearing on the charges, the Police Board finds and determines that:

1. Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

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<sup>1</sup> Board Member Steve Flores recused himself from this case pursuant to §2-78-130(a)(iii) of the Municipal Code of Chicago; Board Members Steven A. Block and Mareilé B. Cusack, both of whom joined the Board on December 15, 2021, did not participate in this case.

2. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were personally served upon Respondent not fewer than five (5) days before the date of the initial status hearing for this case.

3. Throughout the hearing on the charges Respondent appeared and was represented by legal counsel.

### **Introduction**

4. On the afternoon of October 4, 2018, Respondent was assigned to a tactical team and riding in an unmarked CPD SUV along with Officers Brian Cicio and Georgi Mavrov. At around 3:30 p.m., the officers heard over the radio that a Jeep had been stolen and that the owner of the Jeep was tracking its location and relaying its movements to the dispatcher. Upon hearing from the dispatcher that the stolen Jeep was relatively close, Respondent and his partners decided to attempt to find it. Although the dispatcher announced that it had been a “straight theft” – meaning, not an armed or violent carjacking – Respondent testified that he did not hear that portion of the radio traffic and that he instead assumed that the individual in the car was violent and dangerous.

The officers eventually found the stolen Jeep near the intersection of Argyle and Whipple. Respondent was the first one in their vehicle to see the stolen Jeep as the Jeep was driving toward the mouth of an alley approaching Argyle. Respondent’s vehicle, which was driving west down Argyle, began to make a slight turn toward the alley before the Jeep had exited the alley. At that time, the Jeep was blocked from turning left out of the alley by the CPD SUV. Its only option was to drive straight into the CPD SUV, or to turn right onto Argyle. The closest officers to the Jeep were Officer Cicio in the driver’s seat, and Respondent in the passenger seat behind the driver.

Respondent testified that he believed that the Jeep had come to a stop at the mouth of the alley at the time the CPD SUV stopped. Respondent kicked his door open with his gun drawn and was about to exit when the Jeep moved forward, into Respondent's open door. The Jeep struck Respondent's door and caused it to close. At that time, Respondent testified that he felt pressure and pain in his leg and believed that his leg was being crushed outside of the car. In fact, Respondent's leg was inside of the car wedged between the door and his seat.

Respondent then fired his gun four times from inside the CPD SUV as the Jeep was turning right and moving parallel to and then past the CPD SUV. The first shot went through Respondent's closed window, shattering it. The second shot, .27 seconds later, hit the inside portion of Respondent's now-closed door. Respondent was knocked backwards laterally against the back seat, and two seconds elapsed as he righted himself and then leaned forward with the barrel of his gun slightly out of his window to fire the third and fourth shots. The third shot went through the rear of the Jeep. The fourth shot, one second later, shattered the Jeep's back window. Respondent testified that he stopped after the fourth shot, when everything "came into focus" and he realized that the Jeep had moved away from the CPD SUV. Respondent testified that he shot in an effort to hit the Jeep's driver and stop the Jeep from crushing his leg. The Jeep drove away, and was later abandoned and then recovered by CPD. There is no evidence that anyone was hit by Respondent's four gunshots.

### **Charges Against the Respondent**

5. Police Officer Luigi Sarli, Star No. 14398, is **guilty** of violating Rules 2, 3, 6, and 38 in that the Superintendent proved by a preponderance of the evidence the following charges set forth in Specification No. 1:

On or about October 4, 2018, at or near the alleyway of 3015 West Argyle Street in Chicago,

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Officer Sarli, while sitting in the rear seat of an unmarked police SUV, improperly discharged his firearm at or into a moving 2015 Jeep Grand Cherokee. Officer Sarli thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying Department General Order G03-02; and
- d. Rule 38, which prohibits unlawful or unnecessary use or display of a weapon.

Relevant to the Board's analysis is General Order G03-02, which states in relevant part that "Department members may only use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape." G03-02 III.B. With respect to firing at or into a moving vehicle when the vehicle is the only force used against the officer, G03-02 states that an officer's use of a firearm is prohibited unless it is "reasonably necessary to prevent death or great bodily harm to the sworn member or another person." G03-02 III.D.6. The main issue in evaluating every use of force is "whether the amount of force used by the officer was objectively reasonable in light of the totality of the circumstances faced by the officer on the scene." G03-02 III.B.1. The use of deadly force is a last resort. G03-02 III.C.3.

The Board finds that Respondent's actions in this case were not objectively reasonable in light of the totality of the circumstances. By Respondent's own admissions, he was mistaken about nearly every relevant fact surrounding the shooting. Although the radio traffic informed Respondent that the Jeep had been taken in a "straight theft," Respondent instead concluded that he was responding to a violent carjacking. Video evidence shows that the Jeep was making a

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slow turn to avoid the CPD SUV and connected only with the outermost portion of Respondent's open door, but Respondent testified that he thought the Jeep was rapidly ramming into the CPD SUV. It is clear from Respondent's body camera that Respondent's leg was wholly inside his car, yet Respondent believed that his leg was being crushed and possibly severed by the Jeep. Respondent's third and fourth shots went into the back of the Jeep, though Respondent testified that he believed that the Jeep was right in front of him until after the fourth shot.

Given the objective facts — that Respondent was approaching a non-violent car thief, whose car bumped into Respondent's open door as it was driving away — Respondent's actions were unreasonable. Although the Board credits Respondent's testimony that he subjectively believed the circumstances to be very different, his subjective belief does not make his actions objectively reasonable. As further evidence that Respondent reacted unreasonably, the Board notes that Respondent was the only officer present who even drew his weapon, which Respondent did before he had a chance to assess the circumstances.

Moreover, Respondent's actions were not necessary to prevent death or great bodily harm. While the Board credits that Respondent felt some amount of pain in his leg when it was wedged inside the car, he was not actually in imminent danger. Photographs taken of Respondent's leg immediately after the shooting show that Respondent suffered only a minor abrasion. Even if the facts had been as Respondent believed, and the Jeep was in fact moving forward into his car, the expert witnesses from both sides agreed that shooting into an oncoming vehicle is highly unlikely to stop its forward progress. By firing his weapon from the inside of his own closed window, Respondent caused far more risk of harm to himself and his fellow officers than the Jeep ever presented, and he would have put at risk other persons, had there been any in the immediate residential area at the time.

In short, Respondent's actions were based upon a series of mistakes and reactions disproportionate to the situation. His firing his gun at the moving Jeep was clearly unreasonable and unnecessary, and the Board therefore finds Respondent guilty as charged.

### **Disciplinary Action**

6. The Police Board has considered the facts and circumstances of the conduct of which it has found Respondent guilty and the evidence Respondent presented in his defense and mitigation.

Respondent's failure to follow the Police Department's use of force policy as outlined in General Order G03-02 was serious and unjustified. As was discussed above, by shooting from inside a car, Respondent endangered himself and his fellow officers. Moreover, Respondent's shooting occurred in the middle of the afternoon adjacent to a park and bicycle path, and therefore put innocent civilians at risk. Luckily, however, no one was actually injured by Respondent's shots.

The Board concludes that Respondent's mistakes were just that: mistakes. There is no evidence that Respondent lied or attempted to cover up his misconduct, and Respondent has forthrightly acknowledged his many factual errors. Unfortunately, Respondent and his fellow officers did not communicate prior to the shooting about what they would do if they came in contact with the stolen Jeep, and once they found the Jeep there was no communication about where to stop their own vehicle. Respondent therefore was caught off guard by how close he was to the Jeep when it started to move. Once Respondent found himself inside the CPD SUV with his leg stuck, the Board credits Respondent's testimony that he reacted almost instinctively in an attempt to stop the pain he was feeling. The Board notes that Respondent never received live, scenario-based use of force training, which resulted in Respondent being ill-equipped for the

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situation which he faced. Respondent exercised bad judgment, but his behavior was without malice.

Respondent's poor judgment on October 4, 2018, appears to be an aberration. Respondent called several witnesses who testified credibly about his superior job performance during his nearly 14 years as a Chicago Police Officer. By all accounts Respondent was an officer who was patient, calming, and able to connect in meaningful ways with the community he served. In addition, Respondent has a very good complimentary history. Since his appointment in November of 2004, Respondent has earned a total of 44 awards, including one Department Commendation, 19 Honorable Mentions, 14 Emblems of Recognition for Physical Fitness, and 3 Attendance Recognition Awards. Respondent has no sustained complaints on his disciplinary history.

The Board concludes that while Respondent made the wrong decision to fire his weapon, that five seconds should not end Respondent's career. Based upon the facts of this particular case, the Board finds that a suspension without pay for a period of two years is a justified penalty.

The Board also finds that it is necessary that the Respondent receive full re-training on the use of deadly force, including scenario-based elements and interactive exercises. This training should occur before Respondent is authorized to resume regular duty.

**POLICE BOARD DECISION**

The members of the Police Board of the City of Chicago hereby certify that they have read and reviewed the record of the proceedings, viewed the video-recording of the entire evidentiary hearing, received the oral report of the Hearing Officer, and conferred with the Hearing Officer on the credibility of the witnesses and the evidence. The Police Board hereby adopts the findings set forth herein by the following votes.

By a vote of 6 in favor (Ghian Foreman, Paula Wolff, Nanette Doorley, Michael Eaddy, Jorge Montes, and Andrea L. Zopp) to 0 opposed, the Board finds Respondent **guilty** of the charges in Specification No. 1, as set forth in Section No. 5 above.

As a result of the foregoing and for the reasons set forth in Section No. 6 above, the Board, by a vote of 6 in favor (Foreman, Wolff, Doorley, Eaddy, Montes, and Zopp) to 0 opposed, hereby determines that cause exists for suspending Respondent from his position as a police officer for a period of two (2) years.

**NOW THEREFORE, IT IS HEREBY ORDERED** that Police Officer Luigi Sarli, Star No. 14398, as a result of having been found **guilty** of all charges in Police Board Case No. 21 PB 2986, be and hereby is **suspended** from his position as a police officer and from the services of the City of Chicago, for a period of two (2) years, from February 12, 2021, to and including February 11, 2023.

**IT IS FURTHER ORDERED** that Officer Sarli complete full re-training on the use of deadly force, including scenario-based elements and interactive exercises. This training must be completed before Officer Sarli is authorized by the Superintendent to resume regular duty. The Board requests that the Superintendent report back to the Board about Officer Sarli's completion of this training as soon possible after its completion.

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This disciplinary action is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Nanette Doorley, Michael Eaddy, Jorge Montes, and Andrea L. Zopp. (Board Member Steve Flores recused himself from this case pursuant to §2-78-130(a)(iii) of the Municipal Code of Chicago; Board Members Steven A. Block and Mareil  B. Cusack, both of whom joined the Board on December 15, 2021, did not participate in this case.)

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20<sup>th</sup> DAY OF JANUARY, 2022.

Attested by:

/s/ GHIAN FOREMAN  
President

/s/ MAX A. CAPRONI  
Executive Director

**DISSENT**

The following members of Board hereby dissent from the findings and decision of the majority of the Board.

[None]

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RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

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DAVID O. BROWN  
Superintendent of Police