

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

<b>IN THE MATTER OF THE</b>	)	
<b>RECOMMENDATION FOR DISCIPLINE OF</b>	)	<b>No. 23 RR 03</b>
<b>POLICE OFFICER JEREMY CARTER,</b>	)	
<b>STAR No. 4007, DEPARTMENT OF POLICE,</b>	)	<b>(CR No. 1091909)</b>
<b>CITY OF CHICAGO.</b>	)	

**REQUEST FOR REVIEW**

On June 2, 2023, the Executive Director of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability a request for review of the Chief Administrator’s recommendation for discipline of Police Officer Jeremy Carter, Star No. 4007, arising out of the investigation of Complaint Register No. 1091909 (“Request for Review”).

The investigation stems from an incident on December 5, 2018, in the 11<sup>th</sup> police district. According to the summary report of the investigation, Officers Jeremy Carter and his partner were on routine patrol when their vehicle’s license plate reader identified a stolen car, a white Ford Escape. The Ford Escape (now known to be driven by Terrence Whitley) drove into a gas station near Pulaski and Roosevelt Roads and parked at one of the gas pumps. Officer Carter and his partner called for additional units to arrive on the scene to conduct the traffic stop.

When the additional officers arrived on the scene, the officers converged on the stolen vehicle, driven by Whitley. The officers surrounded the vehicle and ordered Whitley out of the vehicle. Officer Carter and the other officers had their weapons drawn and pointed in Mr. Whitley’s direction. The officers gave verbal commands for Mr. Whitley to exit the vehicle, but he refused to comply. Mr. Whitley revved the engine as if he was going to drive away. Directly in front of the Ford Escape was a marked Chicago Police Department (CPD) SUV. Mr. Whitley

moved forward and struck the front end of the marked CPD SUV, during which time Officer Carter fired his weapon once at Mr. Whitley, believing that he was about to hit an officer. The shot struck Mr. Whitley on the left wrist. Mr. Whitley then struck a wrought iron fence surrounding the gas station and was placed in custody.

Following the conclusion of the investigation, the Chief Administrator issued a recommendation for discipline of Officer Carter. The Superintendent of Police did not agree with the Chief Administrator's recommendation and proposed less discipline for Officer Carter.

The Chief Administrator recommended that the following allegations against Officer Carter be *Sustained*:

On or about December 5, 2018, at approximately 11:24 p.m. at or near the Shell Gas Station located at 3944 West Roosevelt Road in Chicago, Officer Carter:

1. Discharged his firearm at or into a moving vehicle in violation of CPD General Order G03-02; and
2. Failed to activate his body-worn camera (BWC) in a timely manner.

The Chief Administrator recommended that Officer Carter be discharged from the Chicago Police Department.

The Superintendent disagreed with the Chief Administrator's recommendation regarding Allegation No. 1, agreed that Allegation No. 2 be *Sustained*, and proposed reprimanding Officer Carter for failing to timely activate his BWC.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on September 28, 2022; (2) the Chief Administrator received the Superintendent's written response on December 26, 2022; (3) the Chief Administrator's designees met with the Superintendent's designees and concluded their discussion of this matter on May 26, 2023; and (4) the Request for Review was sent via email to

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the Executive Director of the Police Board on June 2, 2023.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to Nanette Doorley, the member of the Police Board who was selected on a random basis, pursuant to Article VI of the Police Board's Rules of Procedure ("Reviewing Member"). On June 16, 2023, the Reviewing Member reviewed the Request for Review pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago and Article VI of the Police Board's Rules of Procedure.

### **OPINION**

It is my opinion that, based on a thorough review of the Request for Review material, the Superintendent met the burden of overcoming the Chief Administrator's recommendation for discipline. Chicago Police Department General Order G03-02 "Use of Force" prohibits firing at or into a moving vehicle when the vehicle is the only force used against the sworn member or another person, unless such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person. The Superintendent's analysis that Officer Carter's use of force falls within this exception is convincing.

As the U.S. Supreme Court noted in *Graham v. Connor*, police officers are required to make split-second decisions about the amount of force that is necessary in a particular situation in circumstances that are tense, uncertain, and rapidly evolving. Here, Officer Carter believed Mr. Whitley was going to strike another officer with the stolen vehicle, and Officer Carter feared for the life of the officer. The Superintendent's analysis that Officer Carter's use of force was within CPD policy because it was objectively reasonable, necessary, and proportional under the totality of the circumstances is persuasive.

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Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Superintendent's response to the Chief Administrator's recommendation for discipline of Police Officer Jeremy Carter, Star No. 4007, shall be implemented.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 27<sup>th</sup> DAY OF JUNE, 2023.

/s/ NANETTE DOORLEY  
Member  
Police Board

Attested by:

/s/ MAX A. CAPRONI  
Executive Director  
Police Board