

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER SHELDON THRASHER,) **No. 21 PB 2995**
STAR No. 17871, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
RESPONDENT.) **(CR No. 1089772)**

FINDINGS AND DECISION

On August 6, 2021, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Sheldon Thrasher, Star No. 17871 (“Respondent”), recommending that Respondent be discharged from the Chicago Police Department (“CPD” or “Department”) for violating CPD’s Rules of Conduct.

A hearing on the charges against Respondent took place before Hearing Officer April M. Perry on June 21 – 23, 2022. Following this evidentiary hearing, the members 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. The Hearing Officer made an oral report to and conferred with the Board before it rendered its findings and decision.

During the proceedings of this case, from the filing of charges through the evidentiary hearing, the Hearing Officer made rulings and entered orders. None of the Hearing Officer’s rulings and orders is overruled or reversed.

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.

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 June 6, 2018, at approximately 7:30 p.m., Sgt. Curtis Wallace was remotely monitoring a Police Observation Device (POD) camera placed near the intersection of 47th Street and Prairie Avenue in CPD's 2nd police district. Sgt. Wallace observed a group of young men engaging in hand-to-hand cannabis sales and radioed to a nearby six-person tactical team that the team should meet Sgt. Wallace near the corner and be prepared to make arrests. Respondent was one of the members of the tactical team who responded.

Respondent was familiar with the area around 47th and Prairie both because Respondent grew up in the 2nd district and because he had worked there as a member of the tactical team for eight months. Although this particular corner was known for its drug sales, it was not known for being violent. In fact, while Respondent had many prior encounters on this block, he had never had any foot chases there nor encountered anyone with weapons.

Sgt. Wallace's car arrived at 47th and Prairie first, with the car in which Respondent was a passenger immediately following. As Sgt. Wallace pulled up, the group who had been selling cannabis slowly began dispersing. One of the members of that group was Maurice Granton. Sgt. Wallace indicated that Mr. Granton should "come here," but instead Mr. Granton started running southbound through the alley under the Green Line El tracks. Sgt. Wallace immediately followed

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Mr. Granton and began closing distance on him. Mr. Granton then veered to the right and jumped a fence that enclosed a vacant lot. Sgt. Wallace attempted to go over the fence after Mr. Granton, but while attempting to do so tore his Achilles tendon. At this point, Sgt. Wallace was in too much pain to continue the pursuit.

Upon seeing Sgt. Wallace running after Mr. Granton, Respondent decided to attempt to cut Mr. Granton off.¹ Instead of following Mr. Granton and Sgt. Wallace into the alley, Respondent instead ran parallel to the alley down Prairie, believing that Mr. Granton might try to cut through to Prairie at some point.

In fact, Mr. Granton did try to run to Prairie. After jumping the fence adjacent to the alley and evading Sgt. Wallace, Mr. Granton started running across the vacant lot toward the fence running along Prairie. Mr. Granton was carrying a loaded handgun, which discharged while in Mr. Granton's pocket while Mr. Granton was in the middle of the vacant lot. Mr. Granton then removed the gun from his pocket and threw it to the ground.

Upon hearing a shot, Respondent drew his own weapon and slowed down. Respondent then peeked around the corner of the building he had been running alongside to look into the vacant lot. When he did this, Respondent saw Mr. Granton running across the lot carrying a gun. Respondent ducked back behind the building, losing sight of Mr. Granton. Respondent then came out from the building and saw Mr. Granton trying to climb the fence near Respondent. Respondent immediately fired three shots at Mr. Granton. One of the shots struck Mr. Granton in the mid-back, which shot eventually caused Mr. Granton's death. Respondent issued no commands prior to the shooting.

¹Respondent had never before encountered Maurice Granton.

The Superintendent of Police has filed with the Police Board charges against Respondent arising from Respondent's actions on June 6, 2018: Respondent is charged in Specification No. 1 with unnecessary use of deadly force, in Specification No. 2 with failure to activate his body-worn camera ("BWC") in a timely manner, and in Specification No. 3 with making disrespectful comments to bystanders after the shooting.

Charges Against the Respondent

5. Police Officer Sheldon Thrasher, Star No. 17871, 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 June 6, 2018, at or near 4719 South Prairie Avenue in Chicago, Police Officer Sheldon Thrasher discharged his firearm at or in the direction of Maurice Granton which resulted in Granton's death. Officer Thrasher's use of force was not necessary to prevent death or great bodily harm from an imminent threat posed to him or another person. Nor was the use of deadly force necessary to prevent an arrest from being defeated because Granton did not pose an imminent threat of death or great bodily harm to Officer Thrasher or anyone else unless he was arrested without delay. Officer Thrasher 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 CPD General Order 03-02 Use of Force; and
- d. Rule 38, which prohibits unlawful or unnecessary use or display of a weapon.

General Order G03-02 sets forth CPD's use-of-force policy. It states in part that officers "may only use force that is objectively reasonable, necessary, and proportional." In determining whether the use of force is objectively reasonable, the totality of the circumstances must be taken

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into account. Moreover, the use of deadly force “is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person.” Officers are required to use de-escalation techniques when it safe and feasible to do so, which include utilizing “time, distance, or positioning” to isolate or contain a subject.

This Board finds that at the time Mr. Granton was shot, Mr. Granton did not pose an imminent threat to anyone. Mr. Granton was unarmed and his firearm was approximately 25 feet behind him. Mr. Granton’s hands were both above his head gripping a fence and his back was partially turned toward Respondent. Mr. Granton’s sole focus was on the 6’3” fence that Mr. Granton was attempting to climb. The Board finds, after carefully reviewing the video, that at no point did Mr. Granton make any threatening moves toward Respondent (or anyone else). To the contrary, Mr. Granton was obviously trying to avoid any interaction with the police.

Respondent knew that Mr. Granton was trying to escape from police. Respondent also knew that there was a tall fence separating Respondent from Mr. Granton. Still, contrary to training and appropriate practices, Respondent chose to close the distance between himself and Mr. Granton. Respondent further chose to fire upon Mr. Granton almost immediately upon seeing Mr. Granton, without first assessing where Mr. Granton’s hands were or what was in them. At no point did Respondent announce his office or tell Mr. Granton to stop or put his hands up. Far from using deadly force as a last resort, Respondent used deadly force instead of attempting anything else.

We credit Respondent’s testimony that he heard a gunshot and then saw Mr. Granton carrying a gun. We further credit Respondent’s testimony that Respondent believed that Mr. Granton was likely to get over the fence quickly. We even credit Respondent’s testimony that he

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did not see Mr. Granton drop the gun, and therefore concluded that Mr. Granton could still be armed. All that said, we believe that a reasonable officer would have been laser focused on Mr. Granton's hands and trying to determine whether those hands could possibly be carrying a weapon. We note that a civilian bystander across the street, whose testimony we also find credible, was able to see Mr. Granton's hands and determine that Mr. Granton was not carrying a gun. As a trained police officer, Respondent's powers of observation should have been at least as effective as that civilian bystander's. If Respondent had taken even a moment to assess the circumstances he was facing, he would have concluded that Mr. Granton was not an imminent threat. Unfortunately, Respondent did not take that moment to assess.

Respondent's use of force was not proportional to the threat, nor was it objectively reasonable. For these reasons, we find Respondent guilty of the charges in Specification No. 1.

6. Police Officer Sheldon Thrasher, Star No. 17871, is **guilty** of violating Rules 2, 3, 6, and 11 in that the Superintendent proved by a preponderance of the evidence the following charges set forth in Specification No. 2:

On or about June 6, 2018, at or near 4719 South Prairie Avenue in Chicago, Police Officer Sheldon Thrasher failed to activate his body-worn camera ("BWC") in a timely manner in that he waited until after he had discharged his weapon to do so, even though he had been engaged in law-enforcement activity before he discharged his weapon. Officer Thrasher 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 CPD Special Order 03-14 Body Worn Cameras; and

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d. Rule 11, which prohibits incompetency or inefficiency in the performance of duty.

Respondent has acknowledged that he waited approximately 27 seconds after shooting Mr. Granton before activating his BWC. CPD Special Order S03-14 requires that an officer “activate [his BWC] to event mode at the beginning of an incident and...record the entire incident for all law-enforcement related activities. If the circumstances prevent activating the BWC at the beginning of an incident, the member will activate the BWC as soon as practical.” The Special Order further defines “law enforcement activities” to include actions such as investigatory stops, foot pursuits, arrests, use-of-force incidents, interrogations, and high-risk situations.

Respondent knew he was going to 47th and Prairie to engage in law enforcement activity as soon as Sgt. Wallace radioed to the tactical team that Sgt. Wallace had observed cannabis sales on the block and that they should proceed there and be prepared to make arrests. Respondent admitted at the hearing that he knew in advance of arriving at the scene that he would be engaging in law enforcement activities that would require activation of his BWC. Respondent’s only explanation for not activating his BWC as his team was driving to the site was that Respondent assumed this encounter would be as non-controversial as his previous work on the block. Furthermore, Respondent testified that once he began running after Mr. Granton, Respondent did not have time to activate his BWC.

We are not persuaded by Respondent’s explanations for his failure to activate his BWC in a timely manner. The Special Order requires BWCs to be activated regardless of whether an officer expects law enforcement activities to become controversial precisely because an officer does not know in advance which events will escalate and which will not. Moreover, Respondent certainly knew things had escalated once he began chasing Mr. Granton, and yet Respondent still

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did not engage his BWC. Respondent testified that he eventually activated his BWC not because he had shot someone, but because bystanders were approaching and becoming vocal after the shooting. We believe that Respondent had adequate time both before and during his foot pursuit to activate his BWC. We therefore find Respondent guilty of the charges in Specification No. 2.

7. Police Officer Sheldon Thrasher, Star No. 17871, is **not guilty** of violating Rules 2, 3, and 9 in that the Superintendent did not prove by a preponderance of the evidence the following charges set forth in Specification No. 3:

On or about June 6, 2018, at or near 4719 South Prairie Avenue in Chicago, after shooting Maurice Granton, and as Granton was lying on the ground injured, Police Officer Sheldon Thrasher stated words to the effect of, “You see your homie right there? You see your homie shot? You see your homie? You see your homie shot? Get back. Get back.” Officer Thrasher directed one or more of these statements to one or more civilians who were calling Granton by name and/or who were expressing concern for Granton’s safety and/or were questioning the need to shoot Granton. Officer Thrasher 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; and
- c. Rule 9, which prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

The Superintendent has alleged that following the shooting, Respondent was disrespectful to bystanders by shouting repeatedly “you see your homie shot?” Respondent testified at the hearing that his words were slightly – but materially – different, and that he instead said to bystanders “you see the gun your homie shot,” which statement he made in an effort to point out to the crowd that was gathering that Mr. Granton had a gun, which was now lying in the vacant lot, and that Mr. Granton had fired that weapon before being shot.

We conclude that the Superintendent has not met his burden on the charges in Specification No. 3. It is clear from Respondent's BWC audio that Respondent knew that Mr. Granton's gun was lying in the vacant lot, as it was Respondent who instructed officers where to find the gun. Although Respondent's statements to bystanders are less clear on the BWC recording due to crosstalk and audio distortion, we believe that Respondent could have been attempting to direct the crowd's attention to Mr. Granton's gun in an effort to diffuse tensions. For those reasons, we find Respondent not guilty of the charges in Specification No. 3.

Disciplinary Action

8. The Board has considered the facts and circumstances of the conduct of which it has found Respondent guilty, and the evidence presented in mitigation, including Respondent's complimentary and disciplinary histories.

The Board has considered thoroughly the unique circumstances leading up to these charges, as well as the evidence the Respondent offered in mitigation. First as to mitigation. Respondent became a Chicago police officer in 2013 after having worked as a classroom assistant for special-needs children because Respondent wanted to help more children by being a police officer. By all accounts, Respondent was a respected and well-liked officer. Respondent's supervisor considered him an especially valuable member of the team because of Respondent's familiarity with the 2nd district from having grown up there. Respondent's mitigation witnesses and those who submitted letters of support describe him as a loving and involved husband and father, conscientious employee, and compassionate person.

Respondent's complimentary history consists of 17 awards, including two Department Commendations, eleven Honorable Mentions, two Attendance Recognition Awards, and one

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Problem Solving Award. There are no sustained complaints on his disciplinary history report.

Next, as to the unique circumstances giving rise to the charges in this case. To be clear, the Board does not find that the Respondent acted with bad intent. To the contrary, we understand that Respondent approached 47th and Prairie not expecting any amount of resistance, as the cannabis dealers on that block had never offered any before. We believe Respondent's testimony that he was both shocked and scared when he heard a weapon discharge. And we reasonably infer based on the evidence that it was Respondent's fear – not a desire to do harm – that caused him to panic and shoot when it was not necessary to do so.

That said, Respondent did not know whose gun had been fired (there were, after all, five other armed officers on the block). And in any event, Respondent's accomplishments as a police officer, the witnesses' and letter writers' evaluations of his work and character, and the lack of prior disciplinary history do not mitigate the seriousness of the misconduct in this case. Maurice Granton was a 24-year-old man engaged in hand-to-hand sales of cannabis who fled from police. Mr. Granton's life was abruptly cut short when Respondent shot Mr. Granton in the back while Mr. Granton had both hands above his head on the top of a fence. While the Board understands that Respondent was faced with a difficult and stressful situation after hearing a gun shot, his failure to follow his training and the rules and policy governing the use of deadly force indicate a gross disregard for the safety of members of the public, and a lack of judgment so serious as to warrant his discharge from the Chicago Police Department. The Board finds that returning Respondent to duty as a police officer, armed and authorized to use deadly force, poses an unacceptable risk to the safety of the public and Chicago police officers.

The Board finds that Respondent's conduct is sufficiently serious to constitute a substantial shortcoming that renders his continuance in his office detrimental to the discipline

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and efficiency of the service of the Chicago Police Department and is something that the law recognizes as good cause for him to no longer occupy his office.

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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 votes of 7 in favor (Ghian Foreman, Paula Wolff, Steven A. Block, Mareil  B. Cusack, Nanette Doorley, Michael Eaddy, and Jorge Montes) to 0 opposed, the Board finds Respondent **guilty** of the charges in Specification Nos. 1 and 2, and **not guilty** of the charges in Specification No. 3, as set forth in Section Nos. 5 – 7 above.

As a result of the foregoing and for the reasons set forth in Section No. 8 above, the Board, by a vote of 7 in favor (Foreman, Wolff, Block, Cusack, Doorley, Eaddy, and Montes) to 0 opposed, hereby determines that cause exists for discharging Respondent from his position as a police officer with the Department and from the services of the City of Chicago.

NOW THEREFORE, IT IS HEREBY ORDERED that Police Officer Sheldon Thrasher, Star No. 17871, as a result of having been found **guilty** of charges in Police Board Case No. 21 PB 2995, be and hereby is **discharged** from his position as a police officer with the Department and from the services of the City of Chicago.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Steven A. Block, Mareil  B. Cusack, Nanette Doorley, Michael Eaddy, and Jorge Montes.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 15th DAY OF SEPTEMBER, 2022.

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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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THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2022.

DAVID O. BROWN
Superintendent of Police