

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

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|--|---|---------------------------|
| IN THE MATTER OF THE |) | |
| RECOMMENDATION FOR DISCIPLINE OF |) | No. 24 RR 01 |
| POLICE OFFICER NOAH BALL, |) | |
| STAR No. 11870, DEPARTMENT OF POLICE, |) | (CR No. 2021-2350) |
| CITY OF CHICAGO. |) | |

REQUEST FOR REVIEW

On April 19, 2024, the Executive Director of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability (“COPA”) a request for review of the Chief Administrator’s recommendation for discipline of Police Officer Noah Ball, Star No. 11870, arising out of the investigation of Complaint Register No. 2021-2350 (“Request for Review”).

The investigation stems from an incident on June 16, 2021, in the 11th Police District. According to COPA’s Summary Report of Investigation, Officer Ball and his partner were in a marked police vehicle conducting traffic enforcement, assisted by four officers in an unmarked vehicle, when they observed a gold Hyundai Elantra commit several traffic violations. Officer Ball and his partner attempted to stop the Elantra in an alley, but the Elantra did not immediately stop. As the Elantra approached the east end of the alley, the rear driver’s side door opened before it came to a complete stop. Once stopped, [A.S.] exited the Elantra, and Officer Ball approached on foot. Officer Ball later reported to COPA that, as he was approaching, he observed [A.S.] raise a firearm under his arm. At that point, Officer Ball discharged his firearm and reportedly observed a muzzle flash coming from [A.S.]’s firearm at the same time. Officer Ball stated that after the discharge, [A.S.] discarded the weapon and continued to flee. Officer Ball pursued [A.S.] until [A.S.] fled over a fence. Officer Ball said that once he observed [A.S.]

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proceed over the fence, he began to suffer shortness of breath and chest pains, which caused him to hunch down and observe that his Body Worn Camera (“BWC”) was not activated. At that point, Officer Ball activated his BWC.

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

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

On or about June 16, 2021, at approximately 8:30 p.m., at or near 4501 West Jackson Boulevard in Chicago, Officer Ball:

1. Failed to activate his BWC in a timely manner, in violation of Chicago Police Department Special Order S03-14; and
2. Discharged his firearm in violation of Chicago Police Department General Order G03-02-03.

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

The Superintendent disagreed with the Chief Administrator’s recommendation for discipline of Officer Ball. The Superintendent stated that the preponderance of the evidence did not support the Chief Administrator’s finding that Officer Ball discharged his firearm in violation of General Order G03-02-03. The Superintendent agreed with the finding that Officer Ball failed to activate his BWC in a timely manner in violation of Special Order S03-14 and proposed that Officer Ball be suspended for a period of one (1) day for this violation.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on June 30, 2023; (2) the Chief

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Administrator received the Superintendent's written response on September 28, 2023; (3) the Chief Administrator's designees met with the Superintendent's designees and concluded their discussion of this matter on April 15, 2024; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on April 19, 2024.

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"). 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 on May 3, 2024.

OPINION

With respect to the allegation that Officer Ball discharged his firearm in violation of General Order G03-02-03, the Chief Administrator noted, among other things, that although Officer Ball had explained in his statement to COPA that [A.S.] pointed a weapon at him and that he observed a muzzle flash coming from [A.S.]'s firearm, audio from Officer Ball's BWC reflected that when another officer asked Officer Ball immediately after the incident if [A.S.] had fired his weapon, Officer Ball responded, "I don't know." The Chief Administrator also explained that all other eyewitnesses and digital evidence indicated that there was only one distinct gunshot heard at the time of the incident.

The Superintendent explained that in Officer Ball's statement to COPA, Officer Ball reported that as [A.S.] exited the vehicle, he could see the firearm in [A.S.]'s hand and observed

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him raising the firearm up under his arm. Officer Ball said that at this point, he feared that he or his partner were going to be killed, so he discharged his own firearm and simultaneously observed a muzzle flash coming from [A.S.]’s firearm. The Superintendent explained that Officer Ball’s statement was supported both by his partner’s statement to COPA that he observed a muzzle flash coming from where the passenger of the Elantra exited the vehicle and by the physical evidence found at the scene—including one expended 9mm shell casing, which was the caliber of Officer Ball’s firearm, and one expended 40 cal. shell casing, which matched the caliber of the firearm held by [A.S.].

It is my opinion, based on a thorough review of the Request for Review material, that the Superintendent met his burden of overcoming the Chief Administrator’s recommendation for discipline. The Superintendent’s evaluation of the evidence, including Officer Ball’s statement that he saw [A.S.] raise his firearm and saw a muzzle flash from [A.S.]’s gun, Officer Ball’s partner’s statement that he too saw a muzzle flash coming from the direction of [A.S.]’s gun, and the recovery of two expended shell casings from two separate guns, is reasonable and persuasive. And, in my opinion, the Superintendent’s conclusion that in light of the totality of the circumstances Officer Ball’s use of deadly force was objectively reasonable, necessary, and proportional in order to protect against an imminent threat is convincing.

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 Noah Ball, Star No. 11870, shall be implemented.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 30th DAY OF MAY, 2024.

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/s/ NANETTE DOORLEY
Member
Police Board

Attested by:

/s/ MAX A. CAPRONI
Executive Director
Police Board