

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

<b>IN THE MATTER OF CHARGES FILED AGAINST</b>	)	
	)	
<b>POLICE OFFICER MICHAEL COUGHLIN,</b>	)	<b>No. 18 PB 2949-1</b>
<b>STAR No. 16614, DEPARTMENT OF POLICE,</b>	)	
<b>CITY OF CHICAGO, AND</b>	)	
	)	
<b>POLICE OFFICER JOSE TORRES,</b>	)	<b>No. 18 PB 2949-2</b>
<b>STAR No. 3783, DEPARTMENT OF POLICE,</b>	)	
<b>CITY OF CHICAGO,</b>	)	
	)	
	)	<b>(CR No. 1081642)</b>
<b>RESPONDENTS.</b>	)	

**MEMORANDUM AND ORDER**

On September 26, 2018, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Michael Coughlin, Star No. 16614, and Police Officer Jose Torres, Star No. 3783 (“Respondents”), recommending that Respondents be discharged from the Chicago Police Department (“Department” or “CPD”) for violating the Department’s Rules of Conduct. A hearing on these charges took place before Hearing Officer Allison Wood on August 8, August 9, October 29, and November 7, 2019.

On March 19, 2020, the Police Board entered its Findings and Decisions, finding Respondents guilty of all charges and ordering Respondents discharged from the CPD. Respondents appealed these decisions, and on May 24, 2023, the Circuit Court of Cook County affirmed the Board’s findings that Respondents are guilty of all charges but reversed the Board’s decisions and remanded the cases to the Board “to reconsider the officers’ termination[s] in light of the sanction imposed on Officer Diaz and in light of the Board’s decision in *Sarli*.” (May 24, 2023, Order, p. 2.) On July 5, 2023, Hearing Officer Wood granted Respondents’ Joint Motion to

Set a Hearing Date or Briefing Schedule. The parties filed briefs and oral arguments were held before Hearing Officer Wood on August 11, 2023.<sup>1</sup>

The Board<sup>2</sup> has considered the parties' filings and arguments, and, pursuant to the Circuit Court's Order, has reconsidered its decisions to discharge Respondents in light of the discipline imposed on Officer Jose Diaz and Officer Luigi Sarli. For the reasons set forth below, the Board has determined that discharge is the appropriate discipline for both Respondents in this case.

### **Respondents' Misconduct and Discipline**

The charges in this case were tied to a July 28, 2016, incident—occurring at approximately 7:36 p.m., at or near 7354 South Merrill Avenue in Chicago—in which Respondents, while on duty and in a marked police vehicle (the “squad car”), responded to a report of a stolen vehicle that was being pursued by other officers in a residential neighborhood. While Officer Torres was driving the squad car toward the area of the pursuit, Officer Coughlin unholstered his firearm in anticipation of their arrival. Once in the area, Officer Torres drove the wrong way down a one-way street before stopping the squad car in the middle of the street to block access should the stolen vehicle emerge.

Once parked, Officer Torres exited the squad car and moved into the grass near the sidewalk. A few seconds later, the stolen vehicle appeared and proceeded toward the parked

---

<sup>1</sup>Also on August 11, 2023, the Fraternal Order of Police Lodge 7 filed a Motion to Transfer Pending Cases to the Arbitration Call or in the Alternative to Stay All Police Board Cases (the “FOP Motion”). The FOP Motion was filed on behalf of 22 officers, including Respondents. On September 26, 2023, the Police Board entered an Order denying the FOP Motion in its entirety. Even assuming, for argument's sake, that the arbitrator's awards that gave rise to the FOP Motion take effect at some date in the future, the arbitrator's awards are not applicable to Respondents Coughlin and Torres, for their case was filed with and decided by the Police Board years before the retroactive effective date of the arbitrator's awards (September 14, 2022).

<sup>2</sup> Board Member Steven Block recused himself from this case to avoid the appearance of a conflict of interest.

squad car with an unmarked vehicle in pursuit behind it. At that point, Officer Coughlin exited the squad car with his firearm raised, quickly moved to the front of the squad car, and immediately began shooting at the stolen vehicle as it drove down the street. As the stolen vehicle continued down the street, it veered toward where Officer Torres was standing on the grass to pass by the parked squad car. Officer Torres jumped out of the way, and Officer Coughlin continued to shoot at the stolen vehicle in the direction of Officer Torres.

The stolen vehicle continued driving past the parked squad car down the street in the direction of another police vehicle (the “second police vehicle”) occupied by two officers who were also responding to the scene. As the stolen vehicle proceeded in the direction of the second police vehicle, Officer Coughlin continued to fire shots into the rear of the stolen vehicle and Officer Torres fired one shot at the rear of the stolen vehicle. Based on the video footage of the incident, it is clear that the stolen vehicle was moving toward the second police vehicle, such that Respondents were shooting not only at the stolen vehicle, but also in the direction of the two officers in the second police vehicle—Officers Mohammed Baker and Jose Diaz.

The stolen vehicle ultimately crashed into the second police vehicle. Officers Baker and Diaz testified that they thought the shots they heard had come from the stolen vehicle before it crashed, so when the driver of the stolen vehicle fled after the crash, Officer Diaz pursued and fatally shot him.

On March 19, 2020, the Board found Respondents guilty of violating CPD Rules of Conduct (a decision the Circuit Court subsequently affirmed) by engaging in the following charged misconduct:

Respondent Coughlin:

1. Without justification, used force likely to cause death or great bodily harm without a reasonable belief that such force was necessary when he fired one or more shots at

Police Board Case No. 18 PB 2949  
Memorandum and Order

Paul O'Neal and M.W., a minor;

2. Fired one or more shots at or into a moving vehicle driven by Paul O'Neal when the vehicle was the only force used against Officer Coughlin or another person;
3. Fired one or more shots at or near Police Officers Jose Torres, Mohammed Baker, and Jose Diaz; and
4. Stated, after Paul O'Neal had been shot and required immediate medical attention, words to the effect of "Fuck man I'm gonna be on the desk for thirty goddamn days now. Fucking desk duty for thirty days now. Motherfucker. I shot."

Respondent Torres:

1. Drove his police vehicle, Beat 406C, southbound on Merrill Avenue, a one-way northbound street, directly towards a northbound moving vehicle driven by Paul O'Neal, and/or stopped his police vehicle, Beat 406C, in the middle of Merrill Avenue in a manner intended to prevent the passage of the moving vehicle driven by Paul O'Neal, thereby escalating or increasing the risk of confrontation with Paul O'Neal;
2. Failed to adhere to basic traffic-safety practices when he drove a police vehicle, Beat 406C, southbound on Merrill Avenue, a one-way northbound street, directly towards a northbound moving vehicle driven by Paul O'Neal, and/or stopped his police vehicle, Beat 406C, in the middle of Merrill Avenue in a manner intended to the prevent passage of the moving vehicle driven by Paul O'Neal;
3. Without justification, used force likely to cause death or great bodily harm without a reasonable belief that such force was necessary when he fired one or more shots at Paul O'Neal and M.W.;
4. Fired one or more shots at or into a moving vehicle driven by Paul O'Neal when the vehicle was the only force used against Officer Torres or another person;
5. Fired one or more shots at or near Police Officers Mohammed Baker and Jose Diaz; and
6. Possessed a weapon, specifically a Glock Model 17 9MM semi-automatic pistol bearing serial no. PMR357, loaded with two different types of ammunition.

After considering the facts and circumstances of the relevant misconduct and the evidence each Respondent presented in his defense and mitigation, the Board found the nature of Respondents' misconduct to be incompatible with continued service as police officers and

ordered them discharged from the CPD.

### **Comparison with Police Officer Jose Diaz's Misconduct and Discipline**

Although the Circuit Court's Order focuses primarily on the Board's discipline decision in *Sarli*, which is addressed below, the Court also instructed that the Board reconsider Respondents' discipline in light of the "sanction imposed on Officer Diaz"—the officer who pursued and fatally shot the driver of the stolen vehicle after it crashed on July 28, 2016. Officer Diaz testified during Respondents' hearing, but the Board did not consider charges against Officer Diaz, and Officer Diaz's charged misconduct is not otherwise part of the record in this case.

The Board understands from Officer Diaz's testimony that following an investigation by the Civilian Office of Police Accountability, Officer Diaz's shooting was deemed justified. The Board also understands from the Circuit Court's Order and from Respondents' brief that Officer Diaz was given a six-month suspension for actions relevant to the incident. Without any further information, the Board can only assume that the basis for Officer Diaz's six-month suspension was for conduct other than the actual shooting of the driver of the stolen vehicle. And Respondents have not provided the Board with any further information regarding the nature of the charges against Officer Diaz.

Based on this limited information, it is difficult to make a factual comparison, but based on the findings in the Diaz case, the charges against Respondents seem entirely different from the charges against Officer Diaz. Unlike Respondents, it appears that Officer Diaz was *not* found to have engaged in any unjustified use of deadly force, *nor* was he found to have shot in the direction of any fellow officers. Thus, the Board finds that there are significant differences between Respondents' and Officer Diaz's misconduct that justifies different disciplinary action.

### **Comparison with Police Officer Luigi Sarli's Misconduct and Discipline**

In the separate case that was the focus of the Circuit Court's Order, Police Officer Luigi Sarli was suspended for two years by the Board for violating CPD rules on October 14, 2018, by improperly discharging his firearm at or into a stolen 2015 Jeep Grand Cherokee while he was sitting in the rear seat of an unmarked police SUV. In that case, when Sarli and his partners located the stolen Jeep driving down an alley, they blocked the exit to the alley with their police vehicle. Officer Sarli thought that the Jeep had stopped, so he kicked open the door with his gun drawn. But before Sarli was able to exit, the Jeep moved forward into the police SUV and smashed the door of the SUV into Officer Sarli's leg. Officer Sarli testified that he thought the Jeep was continuing to move forward, so he fired four shots from inside the SUV in the direction of the Jeep as the Jeep was turning right and moving parallel to and then past the police SUV. When Officer Sarli realized that the Jeep had moved away from the police SUV, he stopped shooting.

The Board agrees with the Superintendent's listing of the material differences between Officer Sarli's conduct in the separate incident involving the stolen Jeep and Respondents' conduct in this case. For example, in the incident involving the Jeep, the encounter occurred in an alley, and not in the middle of a residential street where Respondents in this case fired shots toward the stolen vehicle. In addition, the stolen Jeep made contact with Officer Sarli's police vehicle prior to him firing shots, causing an injury to his leg, whereas in this case, Respondents were not injured before firing shots.

Especially significant is that, unlike Respondents, Officer Sarli was *not* charged with or found guilty of firing shots in the direction of fellow police officers. The Board found Respondent Coughlin guilty of firing one or more shots at or near three fellow officers, and

found Respondent Torres guilty of firing one or more shots at or near two fellow officers.<sup>3</sup> The Board determined that both Respondents' shots could have inadvertently hit their fellow officers. And because of their poor judgement, Respondents caused Officers Baker and Diaz to believe that the occupants of the stolen vehicle were firing shots in their direction. These differences are material and reflect a different level of seriousness supporting the respective disciplinary actions.

### **Conclusion**

After reconsidering its decisions to discharge Respondents in light of the discipline imposed on Officers Diaz and Sarli, the Board finds that there are significant differences in the facts and circumstances of the officers' misconduct that justify different discipline. Case law supports the conclusion that the material differences support different discipline.<sup>4</sup> The Board determines that discharging Respondent Coughlin and Torres from the CPD is warranted based on the seriousness of the misconduct of which the Board found each Respondent guilty.

The Board concludes that this determination is in line with the Circuit Court's Order, which did not require the Board to impose discipline less than discharge on remand.<sup>5</sup> Although the Court explained that "when the Board engages in disparate treatment against officers who

---

<sup>3</sup>The Circuit Court affirmed these guilty findings.

<sup>4</sup>The Board notes that—in light of the material differences explained above—the cases of Diaz, Sarli, and Respondents are not "completely related" in a way that would require the same discipline for all four officers. *See Launius v. Bd. of Fire & Police Comm'rs of City of Des Plaines*, 151 Ill. 2d 419 (1992) (holding that although the same surrounding circumstances gave rise to the officers' misconduct, the facts were not similar enough to require the imposition of the same sanctions); *Posey v. Superintendent of Police of City of Chicago*, 2021 IL App (1st) 182206-U, ¶ 61 (finding cases were not "completely related" where, although they were involved in the same incident, petitioner and his partner's roles were not identical); cf. *Wilson v. Bd. of Fire & Police Comm'rs*, 205 Ill.App.3d 984, 992 (1990) (determining cases were "completely related" where two officers engaged in verbal and physical altercation with one another).

<sup>5</sup>Unlike the other two most recent court orders remanding cases to the Board, the Court's May 24, 2023, Order did not explicitly order the "imposition of a penalty less than discharge." (*Posey v. Police Board*, 2017CH13108, June 14, 2018, Order; *Caro v. Police Board*, 2015CH17089, August 30, 2016, Order).

engage in *similar* conduct and who have *similar* disciplinary history such disparate outcomes *seem* unreasonable and arbitrary,” it did not conclude that the Board’s decision to discharge Respondents was indeed arbitrary or unreasonable in this case. (May 24, 2023, Order, p. 2., emphasis added.)

The Board remains convinced that both Respondents’ misconduct, including their unjustified use of deadly force that endangered the lives of their fellow officers, indicates a gross disregard for the safety of members of the public and their fellow officers, and a lack of judgment so serious as to warrant Respondents’ discharge from the CPD. Unlike Officer Diaz, whose use of deadly force was found to be justified, who did not fire in the direction of fellow officers, and whose case was never before the Board, and unlike Officer Sarli, who was not charged with shooting in the direction of fellow officers, the Board finds that returning Respondents Coughlin and Torres to duty as police officers, armed and authorized to use deadly force, poses an unacceptable risk to the safety of the public and Chicago police officers.

### **POLICE BOARD ORDER**

**IT IS HEREBY ORDERED** that, for the reasons set forth above, Police Officer Michael Coughlin, Star No. 16614, and Police Officer Jose Torres, Star No. 3783, as a result of having been found **guilty** of all charges in Police Board Case No. 18 PB 2949, are each hereby **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, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, Michael Eaddy, and Andreas Safakas. (Board Member Steven Block recused himself from this case to avoid the appearance of a conflict of interest.)



Police Board Case No. 18 PB 2949  
Memorandum and Order

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19<sup>th</sup> DAY  
OF October, 2023.

Attested by:

/s/ GHIAN FOREMAN  
President

/s/ MAX A. CAPRONI  
Executive Director

---

RECEIVED A COPY OF

THIS MEMORANDUM AND ORDER

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

---

LARRY SNELLING  
Superintendent of Police