

TO: Deputy Chief Administrator
Civilian Office of Police Accountability

FROM: Inv. Garrett Schaaf, #80

SUBJECT: Log #1063442
U #13-027

REFERENCE: RD #HW-357645

DATE/TIME: 11 July 2013, 1307 hours

LOCATION: 3951 West 103rd Street, CVS Pharmacy Parking Lot.

INVOLVED

OFFICER #1: HURLEY, Amy; Chicago Police Officer, Star #19490 Unit 022; white female; Employee # [REDACTED] DOB: [REDACTED] 1981; DOA: 31 July 2006, On Duty; In Uniform; Beat 2211.

**OFFICER #1's
WEAPON:**

Smith & Wesson Model 6944, 9mm semi-automatic pistol; black finish, Serial [REDACTED]; City of Chicago registration [REDACTED]; FOID [REDACTED]; Department approved ammunition; fired four (4) rounds.

**OFFICER #1's
INJURIES:**

None reported.

INVOLVED

OFFICER #2: SHEPARD, Michael; Chicago Police Officer Star #9736 Unit 007; detailed to Unit 212; black male; Employee # [REDACTED] DOB 11 February 1968; DOA: [REDACTED] 2002; On-Duty; In Uniform; Beat 4211D.

**OFFICER #2's
WEAPON:**

Glock Model 21; .45 Cal. semi-automatic pistol; black finish, Serial [REDACTED]; City of Chicago Registration [REDACTED]; FOID [REDACTED]; Department-approved ammunition; fired fourteen (14) rounds.

**OFFICER #2's
INJURIES:**

None reported.

INVOLVED

OFFICER #3: **SMOLEK, Marlene; Chicago Police Officer; Star #5499; Unit 022; Hispanic female; Employee # [REDACTED] DOB: [REDACTED] 1976; DOA: 24 January 2000; On-Duty; In Uniform; Beat 2213.**

OFFICER #3's WEAPON: Smith & Wesson Model 3953, 9mm semi-automatic pistol; stainless finish, Serial [REDACTED] City of Chicago Registration [REDACTED]; FOID [REDACTED]; Department approved ammunition; fired nine (9) rounds.

OFFICER #3's INJURIES: Minor abrasions to the left forearm.

INVOLVED OFFICER #4 **DOMIO, Malcom Chicago Police Officer; Star #7900; Unit 015; detailed to Unit 212; black male; Employee # [REDACTED] DOB: [REDACTED] 1968; DOA: 29 November 1999; On-Duty; In Uniform; Beat 4211D.**

OFFICER #4's WEAPON: Smith & Wesson semi-automatic pistol matte black finish, Serial [REDACTED]; City of Chicago Registration [REDACTED], FOID [REDACTED]; Department approved ammunition; fired ten (10) rounds.

OFFICER #4's INJURIES: Minor injuries to right elbow/forearm and to knees from contact with pavement during incident.

INVOLVED OFFICER #5: **WEBB, Maureen; Chicago Police Officer; Star #12525; Unit 007; detailed to Unit 212; white female; Employee # [REDACTED] DOB: [REDACTED] 1979; DOA: 22 May 2006; On-Duty; In Uniform; Beat 4210B.**

OFFICER #5's WEAPON: Sig Sauer, Model P-239, 9mm semi-automatic pistol black finish, Serial [REDACTED]; City of Chicago Registration [REDACTED]; FOID [REDACTED]; Department approved ammunition; fired three (3) rounds.

OFFICER #5's INJURIES: None reported.

INVOLVED OFFICER #6: **JEFFERSON, Karen; Chicago Police Officer; Star #6856; Unit 008; detailed to Unit 022; black female; Employee # [REDACTED] DOB [REDACTED] 1973; DOA 18 December 2000; On-Duty; In Uniform; Beat 2212.**

OFFICER #6's

WEAPON: Sig Sauer, Model P-228, 9mm semi-automatic pistol; black finish, Serial [REDACTED] City of Chicago Registration [REDACTED]; FOID [REDACTED]; Department approved ammunition; fired (5) rounds.

**OFFICER #6's
INJURIES:** None reported.

WITNESS

OFFICER #1: SCHIELD, William; Chicago Police Sergeant; Star #946; Unit 005; Detailed 212; white male; Employee # [REDACTED]; DOB: [REDACTED] 1967; DOA: 18 November 1992; On-Duty; Beat 4210.

WITNESS

OFFICER #2: TABB, Tabitha; Chicago Police Officer, Star #8543; Unit 005; detailed to unit 212; black female; Employee # [REDACTED] DOB: [REDACTED] 1970; DOA: 25 October 2004; On-Duty; Beat 4211E.

WITNESS

OFFICER #3: SHELTON, Dana; Chicago Police Officer; Star #5636; Unit 005; detailed to Unit 212; black female; Employee # [REDACTED] DOB [REDACTED] 1975; DOA: 24 November 2003; On-Duty Beat 4211E

WITNESS

OFFICER #4: SAWICKI, Steven; Chicago Police Officer; Star #19599; Unit 022; white male; Employee # [REDACTED] DOB: [REDACTED] 1972; DOA: 12 July 1999; On-Duty; Beat 2293.

WITNESS

OFFICER #5: MEURIS, Mary Ellen; Chicago Police Officer; Star # 5176; Unit 022; white female; Employee # [REDACTED] DOB: [REDACTED] 1970; DOA: 07 April 2003; On-Duty; Beat 2232.

WITNESS

OFFICER #6: HAMILTON, Thomas; Chicago Police Officer; Star #13071; Unit 006; Detailed to Unit 191; white male; Employee # [REDACTED] DOB: [REDACTED] 1978; DOA: 29 August 2005; On-Duty; Beat 7144.

WITNESS

OFFICER #7: DEJATIVONG, Tahch; Chicago Police Officer Unit 007; Detailed Unit 212; Asian male; Employee # [REDACTED] DOB: [REDACTED] t 1976; DOA: 27 September 2004; On-Duty; Beat 4210E.

WITNESS

OFFICER #8: FETZER, John; Chicago Police Officer; Star #10953; Unit 007; Detailed Unit 212; white male; Employee # [REDACTED] DOB: [REDACTED] 1979; DOA: 27 September 2004; On-duty; Beat 4210E.

WITNESS

OFFICER #9: MARION, Steve; Chicago Police Officer; star #4718; Unit 022; white male; Employee # [REDACTED] DOB: [REDACTED] 1979; DOA: 25 August 2003; On-Duty; Beat 2263A.

WITNESS

OFFICER #10: BOTTOM, Sean; Chicago Police Officer; Star #18938; Unit 022; white male; Employee # [REDACTED]; DOB: [REDACTED] 1976; DOA: 25 August 2003; On-Duty; Beat 2263C.

WITNESS

OFFICER #11: SHEEHY, Daniel; Chicago Police Officer; Star #9689; Unit 022; white male; Employee # [REDACTED] DOB: [REDACTED] 1971; DOA: 02 September 1997; On-Duty; Beat 2263C.

WITNESS

OFFICER #12: FIETKO, David; Chicago Police Officer; Star # 5012; Unit 022; white male; Employee # [REDACTED] DOB: [REDACTED] 1979; DOA: 29 April 2002; On-Duty; Beat 2263A.

WITNESS

OFFICER #13: BJORK, Jason; Chicago Police Officer; Star #12528; Unit 006; detailed Unit 212; white male; Employee # [REDACTED] DOB: [REDACTED] 1980; DOA: 30 July 2007; On-Duty; Beat 4210D.

SUBJECT: [REDACTED] Chicago Fire Department Firefighter/Paramedic; white male; DOB: [REDACTED] 1960, [REDACTED]; not arrested.

**SUBJECT'S
INJURIES:**

Multiple gunshot wounds: upper right arm, left arm, left leg, right chest; non-fatal.

**SUBJECT'S
WEAPON:**

None. Subject brandished a black wallet like a handgun in the direction of officers.

**TIME OF IPRA
NOTIFICATION:**

1313 hours

**TIME OF IPRA
RESPONSE:**

Approximately 1400 hours

IPRA ON SCENE: General Counsel Eric Muellenbach
Director of Public Affairs Larry Merritt
Supervising Investigator Alexis Serio (Amezaga)
Investigator James Lukas
Investigator Oscar Nufio

SUMMARY OF INCIDENT

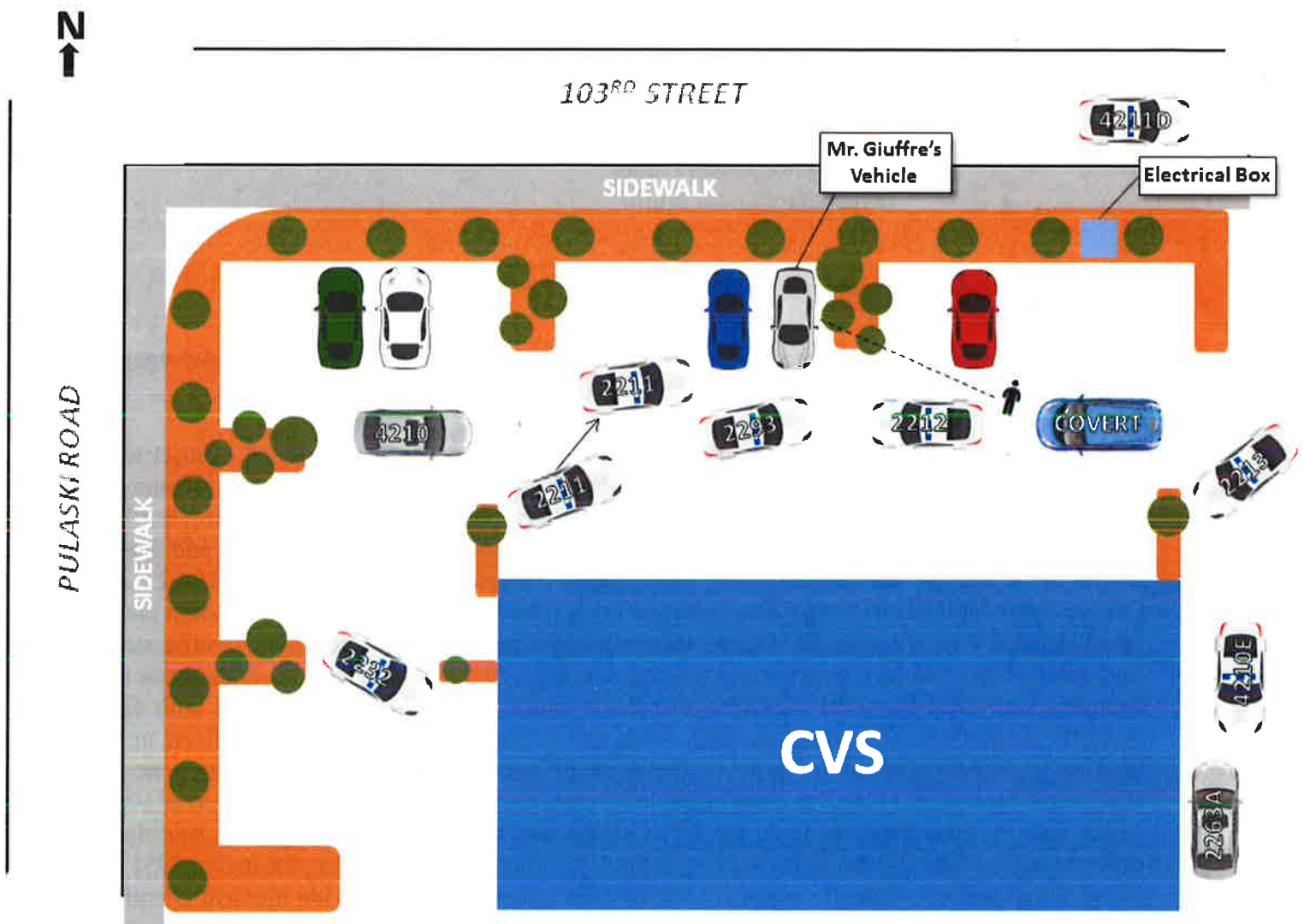
This investigation, in conjunction with the information gained through the investigation launched by the Chicago Police Department ("CPD"), revealed the following:

On 11 July 2013, at approximately 1240 hours, officers from the 022nd District were notified via OEMC that a member of the Chicago Fire Department ("CFD")¹ was threatening to commit suicide with a firearm at his residence.² Responding units spoke with Mr. [REDACTED] wife, [REDACTED] ("Mrs. [REDACTED]" who stated that she was unaware of his actions and that he might be at one of the neighborhood pharmacies. Sergeant Robert Larson #1119/022 and Officer Sean McCabe #18245/022 responded to the residence, located at [REDACTED] [3532W]. When asked if there were any weapons in the residence, Mrs. [REDACTED] stated that her husband owned a weapon and took responding officers to its location. There were two weapons recovered from the [REDACTED] residence, a Glock 17 Semi-automatic pistol with eight boxes of ammunition (50 rounds in each box), and a Marksman .177 BB gun. Officers at the [REDACTED] residence advised to units in the area of Mr. [REDACTED] possible location at the Walgreens located at 111th Street and Kedzie Avenue and the CVS Pharmacy located at 103rd Street and Pulaski Road, to look for Mr. [REDACTED] and his black Ford Explorer. Additional officers located Mr. [REDACTED] in his vehicle at the CVS Pharmacy parking lot, located at 3951 W. 103rd Street and attempted to speak with him, offer assistance, and provide medical attention. While Mr. [REDACTED] was still in his vehicle, officers asked him to exit his vehicle so they could help him. Mr. [REDACTED] suddenly made the sign of the cross, reclined his seat, and came back up. He then exited his vehicle and pointed a black object at the responding officers while taking a "combat stance" and moving his arms back and forth, pointing the black object at officers.³ Officers Hurley, Shepard, Smolek, Domio, Webb, and Jefferson responded by discharging their weapons in the direction of Mr. [REDACTED] striking him numerous times.

¹ Identified as [REDACTED] [REDACTED]

² A 911 call was received by OEMC from a City of Chicago Administrative telephone number; the name of the caller is not listed (Att. 14).

³ That black object was later discovered to be Mr. [REDACTED] wallet.



*For demonstrative purposes only.
Not to scale.*

Beat 2211 – Hurley
Beat 2212 – Jefferson
Beat 2213 – Smolek
Beat 2232 – Meuris
2263A – Fietko, Bottom

Beat 2293 – Sawicki
Beat 4210 – Schield, Bjork, Webb
Beat 4210E – Fetzer, Dejativong
Beat 4211D – Shepard, Domio
COVERT – Hamilton

INVESTIGATION:

On 17 July 2013, this office sent Mr. and Mrs. [REDACTED] letters via Certified Mail requesting their cooperation with this investigation. When there was no response to either letter, this office made two personal visits to the [REDACTED] residence to obtain interviews, but still received no cooperation. As of the date of this summary, neither Mr. nor Mrs. [REDACTED] have responded to repeated interview requests, effectively refusing to cooperate with this investigation. This office later obtained the depositions⁴ of Mr. [REDACTED] and Mrs. [REDACTED] regarding this incident through subpoena. (Atts. 22, 28, 131-32).

⁴ Taken in Civil Suit [REDACTED] v. Karen Jefferson, et.al, [REDACTED] (N.D. Ill.). -

General Offense Case Report RD# HW-358227 (Non-Criminal Weapon Turn In) documents that Sergeant Larson, "Sergeant Simon,"⁵ and Officer McCabe responded to a call of a person attempting suicide at [REDACTED]. Mrs. [REDACTED] led the responding officers to a box containing a Blue Steel Glock 17 9mm semi-automatic pistol with one magazine and a green duffel bag containing two additional magazines and eight boxes of 9mm ammunition. Each box contained fifty rounds. Officers also recovered a Marksman .177 BB gun, a cleaning kit, and holster for the Glock 17. Mrs. [REDACTED] informed Sergeant Larson that she did not want the firearms in her home. (Att. 4).

General Offense Case Report RD# HW-357645 (Assault – Aggravated/PO) refers the reader to the Detective Supplementary Reports for details about the incident. The Case Report identifies the CPD units involved in the incident and states that Mr. [REDACTED] was in stable medical condition at the Advocate Christ Medical Center. (Att. 7).

Crime Scene Photographs depict the following:

- scene of the shooting from various angles;
- 53 pieces of fired evidence (cartridge casings and projectiles) with corresponding evidence markers;
- facial view of Officer Smolek;
- Officer Smolek's left forearm, showing what appears to be several abrasions;
- facial view of Officer Domio;
- Officer Domio's right forearm/elbow area, showing what appears to be discoloration of that area;
- Officer Domio's knees, showing what appears to be abrasions;
- a hole in Officer Domio's uniform pant leg;
- close-ups of recovered projectiles;
- the interior of Mr. [REDACTED] vehicle;
- apparent bullet damage to civilian and CPD vehicles;
- apparent firearm strike marks on the parking lot surface at 3951 West 103rd Street;
- apparent bullet holes in the exterior/interior west wall of St. Xavier University (3921 - 25 West 103rd Street);
- apparent firearm damage to a printer and coat rack inside St. Xavier University; and
- black leather wallet with Illinois Driver's License issued to [REDACTED]

(Att. #83)

IPRA Investigators conducted a canvass, but were unable to locate additional witnesses and evidence. (Att. 12)

The Chicago Fire Department Ambulance Incident Report documents that Ambulance 17 responded to 3951 West 103rd Street, for an attempted suicide. Upon arrival,

⁵ The report does not provide additional identifying information for Sergeant Simon.

the ambulance crew found Mr. [REDACTED] lying supine on the ground with multiple gunshot wounds to his arms and left leg. Mr. [REDACTED] became uncooperative when the crew attempted to insert an IV and care for his wounds. The ambulance transported Mr. [REDACTED] to the Emergency Department at the Advocate Christ Medical Center. (Att. 66).

Medical Records from the Advocate Christ Medical Center document that Mr. [REDACTED] was received at the Emergency Department with three gunshot wounds to his upper left arm, two to his left forearm, two to his upper left leg, and two to the right side of his chest. Mr. [REDACTED] was taken into emergency surgery and survived his wounds. (Att. 89).

The Synoptic Report, prepared by Sergeant Janine Hermann #1923, Unit 121/Bureau of Internal Affairs, regarding the Weapons Discharge with Hits, documents that on 11 July 2013, at approximately 1330 hours, Sergeant Hermann was notified of a weapons discharge in the 022nd District. At approximately 1830 hours, Sergeants Hermann, Marcella Solis #1125, and Terrance Cochran #894 of Unit 121 arrived at Area South Detective Division and began the required twenty-minute observation periods of Officers Hurley, Shepard, Smolek, Domio, Webb, and Jefferson. Each involved officer received the *Notice of Alcohol and Drug Testing Following a Firearm Discharge Incident Form*. All officers submitted to Blood Alcohol Content tests and drug tests and all test results were negative. (Att. 96).

[REDACTED] filed Civil Suit [REDACTED] v. *Karen Jefferson, et.al*, in the Northern District of Illinois naming Officers Jefferson, Hurley, Shepard, Smolek, Domio, and Webb, as well as the City of Chicago, as defendants. The Complaint included allegations of Excessive Force and Battery. On 27 April 2017, the jury returned a unanimous verdict in favor of the defendants. (Att. 90).

In a deposition taken in Civil Suit [REDACTED] on 20 October 2015, Dr. [REDACTED] M.D., the now-retired CFD medical director, stated that he had briefly encountered Mr. [REDACTED] in 1996 or 1997 for back pain and a psychological or behavioral disorder. Dr. [REDACTED] stated that he did not treat Mr. [REDACTED] in his capacity as medical director. Rather, he referred Mr. [REDACTED] to the Isaac Ray Center, where Dr. [REDACTED] completed a psychological profile and outlined a plan of treatment. Dr. [REDACTED] stated that Mr. [REDACTED] remained on medical status until he was judged fit to return to active duty with the CFD. Dr. [REDACTED] also stated that Dr. [REDACTED] diagnosed Mr. [REDACTED] with major depression and that, during his evaluation of Mr. [REDACTED] in approximately May 1997, Mr. [REDACTED] admitted that he had attempted suicide earlier that year. Dr. [REDACTED] also noted that he did not treat Mr. [REDACTED] rather he served as an "adjudicating physician" who referred Mr. [REDACTED] to a primary doctor or specialists for treatment aiming to achieve a return to full duty. (Att. 132).

In a deposition taken in Civil Suit [REDACTED] on 28 October 2015, Dr. [REDACTED] PSY.D., stated that he completed a psychological assessment of Mr. [REDACTED] in April 1997 after a referral by Dr. [REDACTED]. Dr. [REDACTED] also stated that, during his assessment, he discovered that Mr. [REDACTED] had a myocardial infarction in March of 1996. Dr. [REDACTED] later learned that Mr. [REDACTED] had been involved in a fist fight, injuring his shoulder. Dr. [REDACTED] also learned that Mr. [REDACTED] had previously been admitted to Northwestern Memorial Hospital in March 1997 after attempting suicide by inhaling vehicle exhaust fumes in his garage. Mr.

██████ also referenced a prior suicide attempt in 1986 to Dr. ██████. Additionally, Mr. ██████ also related to Dr. ██████ that he had “tried to take someone’s life” at some point in the past. Mr. ██████ informed Dr. ██████ that he had neither been complying with the medications prescribed to him by the Northwestern Clinic, nor had he sought counseling as he had been advised to do. Mr. ██████ denied that he was currently having suicidal or homicidal thoughts during his interview with Dr. ██████ but admitted to having fantasies of “going to the projects and putting explosives on the foundation. I would use the things I learned when I was a medic in the Special Forces and wait until 5 am when everyone would be there and then blow them all up.” Dr. ██████ ultimately recommended Mr. ██████ remain on light duty but not return to full active duty with CFD. Dr. ██████ report noted that “given his current potential for violence and self-harm, it is unwise to put [Mr. ██████] in a position [of] driving a rig and administering patient care.” Dr. ██████ never treated Mr. ██████ he only provided the assessment to determine Mr. ██████ fitness for duty. Dr. ██████ had no further contact with Mr. ██████ (Atts. 111, 132).

In a deposition taken in Civil Suit ██████ on 19 October 2015, Dr. ██████ ██████ M.D., stated that he was in private practice and would see patients on occasion on an in-patient basis from Northwestern Memorial Hospital as a psychiatrist, and from about March 4, 1997 to March 7, 1997 he treated Mr. ██████. Dr. ██████ stated that Mr. ██████ was referred to him by the Emergency Department. The referral was based on Mr. ██████ having “escaped” from the Emergency Department without treatment days earlier and ultimately being located in the garage of his residence attempting to kill himself. Dr. ██████ saw Mr. ██████ in the physical inpatient Psychiatric Unit. Dr. ██████ only treated Mr. ██████ for a short time but remembered him because he was one of the few patients who managed to “escape” from the Emergency Department and that he was a paramedic or an ambulance driver. Based on Dr. ██████ recollection and the medical records of Mr. ██████ from Northwestern Hospital, Mr. ██████ was being treated for depression and alcohol abuse. (Atts. 111, 132).

In a deposition taken in Civil Suit ██████ on 22 October 2015, Dr. ██████ ██████, RN Psy. D, stated that he began treating Mr. ██████ in October or November of 2013. Dr. ██████ saw Mr. ██████ several times. Mr. ██████ relayed he was having trouble coping with some of the issues that had arisen since his shooting on 11 July 2013, and was coming to Dr. ██████ for therapy. Dr. ██████ stated that during his treatment, Mr. ██████ expressed feelings of despair because of the shooting. Contributing to Mr. ██████ distress were claims by the Illinois Department of Children and Family Services (DCFS) that he had sexually abused his older daughter who had to be removed from their home. Dr. ██████ advised that Mr. ██████ felt emotionally injured and exhibited suicidal ideations, but he had no plan to take his life. Mr. ██████ also told Dr. ██████ that he no longer had access to firearms. (Atts. 86, 132-33).

CIVILIAN WITNESS STATEMENTS**WITNESS, [REDACTED]**

During an interview with detectives, witness [REDACTED], an employee of the CVS Pharmacy, stated that she was at the drive-through window assisting a customer who asked Ms. [REDACTED] if everything was "ok." Ms. [REDACTED] looked through the window, saw police vehicles and officers arriving, and moved away from the window. Ms. [REDACTED] heard voices yelling, "Get out of the car!" and "Put it down!" Ms. [REDACTED] then heard "lots" of gunshots. Ms. [REDACTED] had no further information to add. (Att. 130).

WITNESS, [REDACTED]

During an interview with detectives, witness [REDACTED] stated that he was in the drive-through of the CVS Pharmacy and observed several police vehicles enter the parking lot. Officers exited their vehicles with their weapons drawn and focused on something or someone he could not see. At that time, Mr. [REDACTED] asked the CVS clerk if she was "ok." She responded that she was and Mr. [REDACTED] backed slowly out of the drive-thru. As he began to drive away, he heard yelling and then several gunshots. Mr. [REDACTED] could not understand what was being yelled before the shots were fired. Mr. [REDACTED] had no further information to add. (Att. 130).

WITNESS, [REDACTED]

During an interview with detectives, witness [REDACTED] stated that she was working behind the front counter at the CVS Pharmacy when she observed several police cars outside. Police officers were jumping over the fence from 103rd Street. Ms. [REDACTED] heard voices yelling, "Drop your weapon!" followed by multiple gunshots. Ms. [REDACTED] took cover under the front counter. Ms. [REDACTED] had no further information to add. (Att. 130).

In a deposition taken in Civil Suit [REDACTED] on 02 June 2015, witness [REDACTED] provided an account consistent with the one she gave detectives. (Atts. 112, 132).

WITNESS, Andrew Tolbert

In a deposition taken in Civil Suit [REDACTED] on 23 June 2015, witness [REDACTED] stated that he was installing a swimming pool at a residence facing the CVS Pharmacy when he heard loud voices coming from that location. Mr. [REDACTED] and his employee, [REDACTED] looked over the fence of the yard that they were in, which was about five (5) feet high, and observed several police officers attempting to speak to someone, using words to the effect of "Just roll down the window so we can talk to you."

Mr. [REDACTED] observed the police officers speaking to someone for about 10 minutes when someone shouted, "He has something in his hand!" Mr. [REDACTED] observed officers begin to shoot, and he saw a cloud of smoke in the air. Mr. [REDACTED] believes he heard fifteen to twenty shots. After the shooting stopped Mr. [REDACTED] heard a black male officer say, "It was a

wallet in his hand, it was a fucking wallet,” and observed that the officer was visibly upset about what had just happened. From his vantage point, Mr. [REDACTED] could see the officers but did not have a view of who they had been speaking to or who they eventually shot at. Mr. [REDACTED] observed several emergency vehicles come to the scene. Mr. [REDACTED] advised he had spoken with officers later that day when the officers came to find out what he might have seen and to check if anyone had been hit by any bullets. (Atts. 117, 132).

WITNESS, Maloba Etinge

During an interview with detectives, witness [REDACTED] advised that she was assisting a customer inside the CVS Pharmacy when she saw police officers arrive. She could hear voices yelling, “Put it down!” and “Get out of the car!” Ms. [REDACTED] went to the rear of the store and was answering the telephone when she heard multiple gunshots. Ms. [REDACTED] could not add anything further. (Att. 130).

In a deposition taken in Civil Suit [REDACTED] on 23 June 2015, witness [REDACTED] provided an account consistent with the one she gave detectives. (Atts. 113, 132).

WITNESS, [REDACTED]

[REDACTED], Chicago Fire Department Coordinator of Human Resources, informed Detective Oscar Arteaga #20345 Unit 620, that Mr. [REDACTED] had attempted to commit suicide in the past and had problems with addiction to prescription drugs. Ms. [REDACTED] stated that Mr. [REDACTED] had contacted the CFD Medical Section on the date of the incident and requested his medications be refilled. When the request was denied, Mr. [REDACTED] advised that he was going to kill himself. Ms. [REDACTED] added that the Medical Section followed department protocol and notified CFD supervisory personnel of the incident. (Att. 130).

WITNESS, [REDACTED]

On 12 July 2012, Detective James Braun #200810 Unit 620, interviewed Ambulance Commander [REDACTED] who stated that she was the person who denied Mr. [REDACTED] refills on his medication on 11 July 2013. During her conversation with Mr. [REDACTED] he told her that he was going to kill himself by putting a gun to his head. Commander [REDACTED] stated that after Mr. [REDACTED] made that statement, she followed CFD protocol and made the proper notifications. (Att. 130).

WITNESS, [REDACTED]

During an interview with detectives on 27 July 2013, Paramedic In Charge (“PIC”) [REDACTED] stated that she and her partner, Paramedic [REDACTED], responded to a call of a “person shot” at 3951 West 103rd Street. Upon arrival, PIC [REDACTED] observed CPD Officers administering first aid to a person on the ground, whom she recognized as a fellow CFD member. PIC [REDACTED] and Paramedic [REDACTED] began treatment on Mr. [REDACTED] and transported him to the hospital. En route to the hospital, PIC [REDACTED] asked Mr. [REDACTED] if the police had shot him to which he replied: “Yes, I wanted them to.” PIC [REDACTED] also asked

Mr. [REDACTED] if he had a firearm and he said: "No, it was my wallet. I made them think I had a gun." (Att. 130).

In a deposition taken in Civil Suit [REDACTED] on 24 July 2015, PIC [REDACTED] stated that on 11 July 2013 she was working as a PIC with CFD, when she and Paramedic [REDACTED] were dispatched to the CVS, located at 3951 West 103rd Street. Upon arriving, she observed Mr. [REDACTED] lying on the ground. PIC [REDACTED] exited the ambulance, approached Mr. [REDACTED] and transported him to the ambulance to begin treating his injuries. As PIC [REDACTED] was treating Mr. [REDACTED] she asked him, "Did the police shoot you?" Mr. [REDACTED] responded: "Yes, I made them shoot me." PIC [REDACTED] then asked Mr. [REDACTED] if he had a gun. Mr. [REDACTED] responded, "No. I made them think I had a gun." Additionally, while en route to the hospital, Mr. [REDACTED] asked PIC [REDACTED] to move his arm and for a glass of water. (Att. 132).

WITNESS, [REDACTED]

The available reports indicated that, during an **interview with detectives on 27 July 2013, Paramedic [REDACTED]** "related essentially the same account of the incident as [PIC] [REDACTED]" (Att. 130).

In a deposition taken in Civil Suit [REDACTED] on 30 July 2015, Paramedic [REDACTED] stated that on 11 July 2013, he was working as a Paramedic with CFD, when he and PIC [REDACTED] were dispatched to the CVS, located at 3951 West 103rd Street. Upon arriving, Paramedic [REDACTED] observed Mr. [REDACTED] bleeding and lying on the ground. Paramedic [REDACTED] also observed a black wallet on the ground near Mr. [REDACTED]. Paramedic [REDACTED] and PIC [REDACTED] transported Mr. [REDACTED] to the ambulance and began treating his wounds. While treating Mr. [REDACTED] Paramedic [REDACTED] heard PIC [REDACTED] ask Mr. [REDACTED] "What happened?" Mr. [REDACTED] responded with a statement like, "I got shot. I wanted them to shoot me."⁸ As Mr. [REDACTED] treatment continued, Paramedic [REDACTED] heard Mr. [REDACTED] request water to drink and state, "Don't start the IV in this arm. Start it in the other." Once the initial treatment of Mr. [REDACTED] was completed, Paramedic [REDACTED] drove the ambulance to the hospital. (Att. 132)

WITNESS, [REDACTED]

During an interview on 11 July 2013, Mrs. [REDACTED] stated to Detective Oscar Arteaga #20345, Unit 620, that at approximately 1240 hours on that date Mr. [REDACTED] left their residence with some prescriptions in his hand. Sometime later Mrs. [REDACTED] called Mr. [REDACTED] on his cell phone and he seemed upset. Mrs. [REDACTED] called Mr. [REDACTED] again, and he told her

⁶ PIC [REDACTED] advised that prior to July 11, 2013, she had worked with Mr. [REDACTED] and characterized their relationship as acquaintances only.

⁷ Paramedic [REDACTED] advised that prior to July 11, 2013, he had worked with Mr. [REDACTED] and characterized their relationship as professional.

⁸ Paramedic [REDACTED] advised that he was summarizing Mr. [REDACTED] response.

that the Medical Section would not refill his prescriptions. During this conversation Mr. ██████ told her that he loved her “a lot,” and that “was the way things will need to be.”

Mrs. ██████ later received a text message from Mr. ██████ that she was to contact his union representative and that, “He will help you through this.” Mrs. ██████ received a voice message from Mr. ██████ telling her that he loved her and “I’m sorry.”⁹ (Att. 130).

SUBJECT, ██████

In a deposition taken in Civil Suit ██████ on 28 May 2015, subject ██████ stated that on 11 July 2013 he contacted the CFD Medical Section about obtaining early refills on some of his pain medications.¹⁰ Mr. ██████ became angry when he was informed that the prescriptions would not be refilled and asked what they wanted him to do, “put a fucking gun to [my] head?” Mr. ██████ indicated that at the time of his call to the CFD Medical Section (1100 – 1130 hours) his wife, ██████ was in another room.

After his call to the Medical Section, Mr. ██████ told his wife that he was going to refill the prescriptions and left their residence.

Mr. ██████ could not have the prescriptions refilled at the first two locations he tried so he went to the CVS Pharmacy located at 3951 West 103rd Street and entered the drive-through. Mr. ██████ stated that a female clerk at the window advised him that they could not fill the prescription, because there was a “hold” on it. Mr. ██████ stated that he became angry and asked for the prescription back but the clerk denied his request. Mr. ██████ again requested the prescription back from the clerk. He then backed into a parking space on the north side of the parking lot and just sat there thinking that he had to calm down and go back into the pharmacy and ask for his prescription back nicely. A short time later, police vehicles began to enter the parking lot. Mr. ██████ believed the squad cars were there for him because he had gotten mad at the person in the CVS Pharmacy and that he was going to be arrested.

Mr. ██████ stated that as the police were arriving, he was on the phone with Mrs. ██████ who asked him to “please get out of the vehicle, roll down the window, the police wanted to just talk to (him).” Mr. ██████ shook his head no while he was on the phone with Mrs. ██████. Mr. ██████ told his wife he was sorry, but that he was about to get arrested and ruin their family vacation, and he then hung up the phone. Mr. ██████ could not remember if he texted his wife again. Mr. ██████ recalled that he reclined his seat and began to pray because he thought the clerk in the pharmacy had called the police because he had gotten angry with her and that he was going to be arrested and ruin the family vacation.

Mr. ██████ believed the physical act of being arrested would exacerbate his back injury. Mr. ██████ began to exit his vehicle by grabbing the steering wheel and pushing

⁹ Ms. ██████ received these text messages before CPD arrived at her home.

¹⁰ Mr. ██████ reason for requesting the early refills was that his family was going on vacation the following week and he wanted to be sure he had enough medication for the duration of their vacation.

himself out of his vehicle slowly because he had not begun physical therapy yet.¹¹ Before Mr. [REDACTED] exited his vehicle, he reached into his console for one of two wallets he carries. The wallet he was looking for contained the CFD credentials that he wanted to show to the officers. Mr. [REDACTED] could not locate the correct wallet initially and rummaged around inside the console until he found the wallet he wanted. Mr. [REDACTED] exited his vehicle, and began to walk southeast toward officers who were near a parked squad car. Mr. [REDACTED] had the closed wallet in his right hand, with his arm extended.

Mr. [REDACTED] walked about eight feet towards the officers and before he could tell officers that he was a firefighter, he was shot. Mr. [REDACTED] advised he walked toward a parking island near some trees when he exited his vehicle because he did not want to get tackled by the officers on the island and that he did not want to exit his vehicle "flashing something" at the officers. Mr. [REDACTED] stated that as he exited his vehicle, he crouched down to make his way around the tree on the parking island.

Mr. [REDACTED] attorney was contacted by COPA multiple times in an effort to take a statement from Mr. [REDACTED] no response was received. (Att. 132).

WITNESS OFFICER STATEMENTS

SERGEANT LARSON

During an interview on 11 July 2013 at the Advocate Christ Medical Center with Detective Oscar Arteaga #20345, Unit 620, **Sergeant Robert Larson #1119** of the 022nd District stated that he was one of the supervisors who responded to the [REDACTED] residence earlier on that date. Sergeant Larson stated that the call was for a person threatening suicide at 11453 South Drake Avenue. Upon arrival, Sergeant Larson was informed by Mrs. [REDACTED] that Mr. [REDACTED] was not present. Sergeant Larson asked Mrs. [REDACTED] about the whereabouts of Mr. [REDACTED] and if he was armed. Mrs. [REDACTED] advised that Mr. [REDACTED] did own a weapon and then accompanied Sergeant Larson into the house to search for the weapon. Sergeant Larson located a green camouflage bag in the house with numerous boxes of ammunition. Sergeant Larson also located a Glock 17 9mm semi-automatic pistol and a pellet gun near the bed. Sergeant Larson stated that Mrs. [REDACTED] did not want the weapons in the house and requested that the officers remove them from the home. Sergeant Larson advised that the weapons and ammunition were inventoried under RD# HW-358-227 as a weapons turn-in. Sergeant Larson had no additional information about the case. (Att. 130).

SERGEANT SCHIELD

In a statement to IPRA on 12 July 2013, **Sergeant William Schield, #946**, stated that he was working as an Area South Saturation supervisor.¹² He was riding with Officers Webb and Bjork in their area of assignment in the 022nd District. Sergeant Schield monitored a call

¹¹ On 11 July 2013, Mr. [REDACTED] had yet to begin his physical therapy, despite his surgery occurring seven months prior. He explained the delay due to his need to heal from surgery.

¹² Beat 4210.

of a CFD member threatening to commit suicide at [REDACTED]. While en route to the residence, Sergeant Schield heard a transmission that the subject, Mr. [REDACTED] had left the residence and was possibly still armed. A description of Mr. [REDACTED] and his vehicle were given, along with information that he may be on his way to one of two local pharmacies. Sergeant Schield and Officers Webb and Bjork went to a Walgreens Pharmacy located at 111th Street and Kedzie Avenue, but did not observe Mr. [REDACTED] at that location.

After not locating Mr. [REDACTED] at the Walgreens, Sergeant Schield continued to monitor radio transmissions, when he heard that Mr. [REDACTED] had been located in his personal vehicle parked in the parking lot of a CVS Pharmacy at 3951 West 103rd Street. Sergeant Schield responded to the CVS Pharmacy and while en route, requested an ambulance and a CIT¹³ trained officer via radio because of the possible suicide element. Upon arrival, Sergeant Schield observed other officers on the scene, taking cover near Mr. [REDACTED] vehicle. Sergeant Schield exited his vehicle and attempted to engage Mr. [REDACTED] verbally, offering help.

Mr. [REDACTED] did not respond to Sergeant Schield, and began to speak to someone on his cell phone. At one point Mr. [REDACTED] drove his vehicle forward in the direction of one of the squad cars but then backed it into the parking space again. Sergeant Schield believed that he heard an officer state that Mr. [REDACTED] had put down his cell phone and made the sign of the cross. Mr. [REDACTED] exited his vehicle holding a black object with both hands in a "combat grip" and projected the object in a shooting fashion, while simultaneously moving straight for the front end of the squad car adjacent to his vehicle.¹⁴ Mr. [REDACTED] advanced towards the officers and was within six (6) to eight (8) feet of Officer Jefferson when Sergeant Schield heard a gunshot. Mr. [REDACTED] continued to advance toward the officers and Sergeant Schield heard additional shots fired and took cover behind a police vehicle.

Sergeant Schield heard an officer yell, "He's down! He's down!" At that time, Sergeant Schield yelled, "Cease Fire! Cease Fire!" He left cover and was able to see Mr. [REDACTED] lying on the ground with his left hand under him. Sergeant Schield and Officer Meuris approached Mr. [REDACTED] and to determine if Mr. [REDACTED] had anything in his left hand. Officer Meuris rolled Mr. [REDACTED] to expose his left hand and determined he did not have a weapon in his hand. Sergeant Schield looked at Mr. [REDACTED] and asked, "[REDACTED] what did you do?"¹⁵ Mr. [REDACTED] looked up at Sergeant Schield and said "Sarge, thank you. You just put me out of my misery." Sergeant Schield replied with "[REDACTED] you're not dying." Mr. Guiffre then stated, "Sarge, I need you to do me one more favor. I need you to shoot me in the head, I am dying too slow." At that time, an ambulance arrived and the crew began to work on Mr. [REDACTED] (Atts. 75, 76).

OFFICER BJORK

In a statement to IPRA on 01 August 2013, Witness Officer Jason Bjork #12528 gave a substantially similar account as Sergeant Shield as to the foundation of the incident.

¹³ Crisis Intervention Team.

¹⁴ Sergeant Schield added that he previously served in the Marine Corps and experienced "combat shooters" and that Mr. [REDACTED] was utilizing a "straight up combat style approach."

¹⁵ Sergeant Schield did not know Mr. [REDACTED] prior to this encounter.

Officer Bjork further stated that Mr. [REDACTED] reached about the interior of his vehicle, but Officer Bjork could not see what Mr. [REDACTED] was reaching for. At one point, Mr. [REDACTED] reclined his seat and moved it forward again several times. Officer Bjork also heard an unidentified officer state that Mr. [REDACTED] had made the sign of the cross, after which Mr. [REDACTED] exited his vehicle. Mr. [REDACTED] advanced on officers, pointing an object at them in a two-handed shooting stance. Officer Bjork heard a gunshot and believed that Mr. [REDACTED] had fired at the officers. Multiple other shots were then fired and Officer Bjork took cover behind a vehicle. After the firing stopped, Officer Bjork saw Mr. [REDACTED] lying on his back in the parking lot, after being shot several times. Officer Bjork explained that he did not discharge his weapon because he did not have a clear line of fire. (Atts. 93, 129).

OFFICER TABB

In a statement to IPRA on 06 August 2013, Witness Officer Tabitha Tabb, #8543, stated that she was assigned to Beat 4211E with her partner Officer Dana Shelton, #5636, when they monitored a call via OEMC of a person threatening suicide at [REDACTED]. Officer Tabb heard a description of the person, Mr. [REDACTED] and his vehicle. Officer Tabb was then informed that the vehicle had been located at the CVS Pharmacy at 103rd Street and Pulaski Road and that Mr. [REDACTED] might be armed. Officer Tabb used her squad car to block the intersection of 103rd Street and Pulaski Road.

When Officer Tabb arrived at the scene on foot, she observed several officers out of their vehicles attempting to speak with Mr. [REDACTED] who was in his vehicle. Officer Tabb recalled that those officers did not have their weapons drawn. Officer Tabb did hear Sergeant Schield speaking with Mr. [REDACTED] letting him know that no one was there to hurt him, but to help him. Officer Tabb observed that Mr. [REDACTED] who was speaking on a cell phone, not acknowledge Sergeant Schield and continue speaking on the phone. Officer Tabb heard an officer relaying Mr. [REDACTED] actions to the other officers, and that at some point the officer stated that Mr. [REDACTED] gave the "hail Mary sign of the cross."

Officer Tabb advised at some point she did have her weapon drawn but remained shielded behind a vehicle when she heard someone say Mr. [REDACTED] was exiting the vehicle, after which she heard someone say, "Let me see your hands." Officer Tabb then heard Sergeant Schield say, "[REDACTED] don't do this." Officer Tabb heard someone say over the radio that Mr. [REDACTED] had an unidentified object in his hands. Officer Tabb took cover behind a civilian vehicle and heard several shots being fired and then heard someone say, "Cease fire." Officer Tabb learned later that Mr. [REDACTED] had a black wallet in his hand. Officer Tabb did not discharge her weapon during the incident. (Att. 81).

OFFICER SHELTON

In a statement to IPRA on 15 July 2013, Witness Officer Dana Shelton, #12866 gave a substantially similar account as Officer Tabb as to the foundation of the incident. Officer Shelton further stated that upon arriving at the scene of the shooting, she and Officer Tabb took cover behind a parked vehicle. Officer Shelton could not see Mr. [REDACTED] from her position, but could hear Sergeant Schield attempting to engage Mr. [REDACTED] verbally and

receiving no response. An unidentified female officer stated that Mr. [REDACTED] was saying "Hail Marys"¹⁶ and exiting his vehicle. Officer Shelton then heard numerous gunshots. She did not see who fired the shots, but heard Sergeant Schield ordering officers to stop firing. After the firing stopped, Officers Shelton and Tabb stood up and Officer Shelton could see Mr. [REDACTED] lying on the ground approximately ten (10) feet away from her. She could only see one of his hands, and other officers were concerned that they could not see both of his hands. Officer Shelton did not hear Mr. [REDACTED] say anything during the incident, and she did not hear any verbal commands just prior to the shots that were fired. Officer Shelton did not see any object on the ground near Mr. [REDACTED]. Officer Shelton did not draw her weapon during the incident because she could not see Mr. [REDACTED] until after the shooting had stopped. (Atts. 92, 122).

OFFICER SAWICKI

In a statement to IPRA on 12 July 2013, Witness Officer Steven Sawicki, #19599, stated that he was assigned to Beat 2293, working alone on 11 July 2013 when he monitored a radio call to assist the CFD with a member who was threatening suicide. Officer Sawicki was not assigned the call but was en route to assist, when he heard a radio transmission that the person making the threats, Mr. [REDACTED] was not at his residence and might be headed to one of two pharmacies in the area and was possibly armed, with a firearm, driving a black Ford Explorer. Officer Sawicki responded to the CVS Pharmacy at 113th Street and Pulaski Road.

As Officer Sawicki entered the CVS Pharmacy parking lot from Pulaski Road, he heard Officer Jefferson confirm, via radio, that Mr. [REDACTED] vehicle was in the parking lot. Officer Sawicki drove around to the southeast side of the parking lot and observed Officer Jefferson's vehicle parking near Mr. [REDACTED] vehicle. Officer Sawicki then positioned his vehicle "right in front" of Mr. [REDACTED] vehicle. Officer Sawicki observed Mr. [REDACTED] sitting in his vehicle looking straight ahead. Officer Sawicki exited his vehicle and observed that the front passenger window on Mr. [REDACTED] vehicle was down. Officer Sawicki, with his hand up, approached Mr. [REDACTED] vehicle he told Mr. [REDACTED] to come out of his vehicle, that everything was okay and that the officers only wanted to talk to him.

Officer Sawicki observed Mr. [REDACTED] roll up his vehicle window, look down, and shake his head no. Officer Sawicki observed Mr. [REDACTED] look down and open the center console. Officer Sawicki took cover behind his squad car because Officer Sawicki did not know if Mr. [REDACTED] was reaching for a weapon to use against himself or the officers.

At that time, Sergeant Schield arrived and began to ask Mr. [REDACTED] to exit his vehicle, also telling Mr. [REDACTED] that the officers only wanted to help. Officer Sawicki observed Mr. [REDACTED] begin to move around, reach under the seat, and into the center console of the vehicle while ignoring Sergeant Schield.

Officer Sawicki stated that at that point, Mr. [REDACTED] put his vehicle in reverse and then moved forward, causing Officer Sawicki to believe Mr. [REDACTED] was going to strike his vehicle in an effort to leave. Mr. [REDACTED] returned the vehicle to park and Officer Jefferson moved her vehicle toward Mr. [REDACTED] vehicle. Officer Sawicki observed Mr. [REDACTED] speaking on the

¹⁶ Which Officer Shelton understood as Mr. [REDACTED] making the sign of the cross.

telephone with Mrs. [REDACTED] Mr. [REDACTED] reclined his seat, sat back up, made the sign of the cross,¹⁸ flung the driver's door open, and quickly exited the vehicle. Mr. [REDACTED] then began traveling towards Officer Jefferson's vehicle, where other officers had taken cover, while raising his left arm and holding what Officer Sawicki believed to be a black handgun. Officer Sawicki stated that, based on his observations, he believed Mr. [REDACTED] had a weapon in his hands. As Mr. [REDACTED] moved towards the officers, Officer Sawicki heard shots and he again took cover behind his vehicle.

When Officer Sawicki took cover behind his vehicle, he lost sight of Mr. [REDACTED]. When Officer Sawicki no longer heard shots being fired, he emerged from behind his vehicle. Officer Sawicki observed the top of Mr. [REDACTED] head and his right arm as he lay on the ground behind Officer Jefferson's Tahoe. As Officer Sawicki approached Mr. [REDACTED] he was unable to see Mr. [REDACTED] left hand because of how Mr. [REDACTED] was positioned on the ground. In an attempt to visualize Mr. [REDACTED] left hand, Officer Sawicki got on the roof of Officer Jefferson's Tahoe to better visualize Mr. [REDACTED] left hand; however, Mr. [REDACTED] left hand was still not visible. Officer Sawicki saw Mr. [REDACTED] look up and say, "Thank you."

Officer Sawicki observed that Mr. [REDACTED] appeared to have a gunshot wound to the center of his chest and blood on his right hand. As Mr. [REDACTED] was thanking Officer Sawicki, Officer Meuris and Sergeant Schield approached Mr. [REDACTED] and pulled his left hand from under his body. At this point Officer Sawicki observed the black object in Mr. [REDACTED] hand to be a wallet. Officer Sawicki asked Mr. [REDACTED] "Where is the gun? You didn't have a gun in your hand?" Mr. [REDACTED] responded with, "No, it was my wallet." Officer Sawicki stated that he had believed that Mr. [REDACTED] was armed with a firearm based on Mr. [REDACTED] actions when Mr. [REDACTED] exited his vehicle. Officer Sawicki never saw any of the officers discharge their weapons and he did not know the source of the gunfire. (Atts. 82, 125).

OFFICER MEURIS

In a statement to IPRA on 12 July 2013, Witness Officer Mary Ellen Meuris, #5176, stated that on 11 July 2013 she was assigned to beat 2232, and was working alone when she monitored a radio call of an off-duty firefighter threatening suicide at [REDACTED]. While Officer Meuris was en route to the Drake address, Sergeant Larson radioed that the subject, Mr. [REDACTED] was no longer at the Drake address and may be going to either the Walgreens at 111th Street and Kedzie Avenue or the CVS Pharmacy located at 103rd Street and Pulaski Road in a black Ford Explorer and that he was possibly armed with a gun. Additionally, Officer Meuris heard Sergeant Larson advise, via radio, that Mr. [REDACTED] does own a firearm but it was unaccounted for at that time.

Officer Meuris responded to the area of the Walgreens at 111th Street and Kedzie Avenue but did not locate Mr. [REDACTED] and relayed that information to responding units via radio. Officer Jefferson then radioed that she had located Mr. [REDACTED] vehicle in the parking

¹⁷ Officer Sawicki was aware, based on radio transmissions, that Mr. [REDACTED] was speaking to Mrs. [REDACTED] on the telephone.

¹⁸ Officer Sawicki stated that this action caused him to expect two possible outcomes: either Mr. [REDACTED] was going to shoot himself, or exit his vehicle and shoot at the officers.

lot of the CVS Pharmacy. Officer Meuris responded to the CVS and entered from the Pulaski Road side of the parking lot where Officers Jefferson and Hurley were parked near Mr. [REDACTED] vehicle. Officer Meuris took cover behind a vehicle parked two spaces away from Mr. [REDACTED] vehicle.

When Officer Meuris arrived, she observed that Mr. [REDACTED] was sitting in his vehicle and talking on his cell phone. As Officer Meuris observed Mr. [REDACTED] on his phone, Sergeant Larson transmitted, via radio, that Mr. [REDACTED] was speaking to his wife, Mrs. [REDACTED] on the phone. Officer Meuris observed Sergeant Schield asking Mr. [REDACTED] to roll down the window so they could talk to him, explaining that everyone was there to help him. Officer Meuris stated that Sergeant Larson again advised, via the radio, that Mr. [REDACTED] was on the telephone with Mrs. [REDACTED]. Sergeant Schield requested that Mrs. [REDACTED] attempted to have Mr. [REDACTED] roll down his window. Officer Meuris heard Sergeant Larson, via radio, advise that a weapon had been located at the home, though he explained that he was unsure if Mr. [REDACTED] had a weapon with him. Officer Meuris observed no indication that Mr. [REDACTED] was acknowledging Sergeant Schield's or Mrs. [REDACTED] requests to roll down the window and speak with officers.

Officer Meuris saw Mr. [REDACTED] move his seat down and up twice. When Mr. [REDACTED] moved his seat up the second time, he was no longer on the telephone. Officer Meuris heard Officer Jefferson state that Mr. [REDACTED] had "just done a 'Hail Mary'."¹⁹

Officer Meuris stated that Mr. [REDACTED] opened the door and quickly exited the vehicle with a black object in his hand, which Officer Meuris was certain was a gun. Mr. [REDACTED] moved into a crouched position and aggressively moved forward toward Officers Jefferson and Smolek. Officer Meuris drew her weapon but did not have a clear line of sight and was aware of officers in the area behind Mr. [REDACTED] so she repositioned for a better shooting position. As she relocated, she heard several gunshots and observed Mr. [REDACTED] fall to the ground, still holding the black object in his hand. After Mr. [REDACTED] was on the ground Officer Meuris and Sergeant Schield approached Mr. [REDACTED] because his left hand was not visible, due to it being tucked under his body. As Officer Meuris and Sergeant Schield moved to secure Mr. [REDACTED] they discovered that the black object was not a gun but a black wallet. Officer Meuris recalled Mr. [REDACTED] saying, "thank you, thank you," "tell my wife I love her" and requesting water and to be rolled onto his side. (Atts. 80, 118).

OFFICER HAMILTON

In a statement to IPRA on 26 July 2013, Witness Officer Thomas Hamilton, #13071, stated that he was assigned to Unit 191²⁰ and assigned in an undercover capacity when he monitored a call over the radio of a firefighter threatening to commit suicide at his residence at [REDACTED]. Officer Hamilton heard over the radio that the subject had left the residence and might be headed to one of the neighborhood pharmacies. As Officer Hamilton was en route to an unrelated surveillance location, he heard Officer Jefferson advise, via radio, that she had found the vehicle of the suicidal firefighter at the CVS Pharmacy at 103rd Street and Pulaski Road and was waiting for backup.

¹⁹ Officer Meuris believed that Mr. [REDACTED] had made the sign of the cross.

²⁰ Intelligence Division.

Officer Hamilton informed Officer Jefferson that he would be responding and that he was operating a covert vehicle. Upon his arrival, Officer Hamilton observed a black Ford Explorer with a male matching Mr. [REDACTED] description in the driver's seat, speaking on a cell phone. Officer Hamilton observed that Officer Jefferson parked her vehicle near Mr. [REDACTED] vehicle at an angle facing east in the parking lot; Mr. [REDACTED] did not acknowledge the presence of the officers and continued to talk on the phone.

Officer Hamilton advised that Mr. [REDACTED] was ordered several times to show his hands and was told the officers were only there to help him. Officer Hamilton observed a sergeant on the scene address Mr. [REDACTED] by stating "[REDACTED] we are here to help, show us your hands, we are not here to hurt you." Officer Hamilton observed Mr. [REDACTED] recline his seat several times where officers could not see his head or hands. Officer Hamilton heard a female officer state that Mr. [REDACTED] had just done a "Hail Mary,"²¹ and moments later the door of Mr. [REDACTED] vehicle opened. As the vehicle door opened, Officer Hamilton took cover behind Officer Smolek's vehicle. While behind Officer Smolek's vehicle, Officer Hamilton heard gunshots.

Officer Hamilton only saw Officer Jefferson discharge her weapon and after hearing the weapon discharge, he saw Mr. [REDACTED] lying on his stomach. Officer Hamilton did not observe any other officer discharge a weapon. (Atts. 95, 127).

OFFICER DEJATIVONG

In a statement to IPRA on 1 August 2013, Witness Officer Tahch Dejativong, #14135 stated that he and his partner, Officer John Fetzer, were monitoring a radio call of an off-duty firefighter, Mr. [REDACTED] threatening to commit suicide at his residence. Officer Dejativong and Officer Fetzer began to respond to the address given in the transmission, but then heard via radio that the Mr. [REDACTED] was no longer at the residence and might be en route to one of two pharmacies in the area. Officer Dejativong then heard over the radio that Officer Jefferson had located Mr. [REDACTED] vehicle in the parking lot of the CVS Pharmacy at 103rd Street and Pulaski Road. Upon his arrival, Officer Dejativong observed several 022nd District units and a covert vehicle already at the scene. Officer Dejativong observed Mr. [REDACTED] vehicle, a black Ford Explorer, in a parking space on the north side of the parking lot and facing south, with several police vehicles in front of it.

Officer Dejativong heard Sergeant Schield ask Mr. [REDACTED] several times to roll down his window, asking for him to them, and attempting to inform him that they were only there to help. Officer Dejativong stated that Mr. [REDACTED] attempted to move his vehicle forward as if to ram the police vehicles, but he did not. Officer Dejativong observed Mr. [REDACTED] suddenly exit his vehicle, take a combat firing stance, and move towards him at a fast pace holding what Officer Dejativong thought to be a small Glock handgun, waving it back and forth while pointing it at him and other officers.

At that point Officer Dejativong took cover and heard someone say, "Gun! He has a gun!" Officer Dejativong ducked as he heard a single shot and several shots immediately

²¹ Officer Hamilton believed this meant Mr. [REDACTED] made the sign of the cross.

afterwards. When Officer Dejativong stood up after the gunfire stopped, he saw Mr. [REDACTED] on the ground about 20 feet from him, and heard Mr. [REDACTED] say, "Thank you," to Sergeant Schield. Officer Dejativong did not see any officer discharge a weapon during the incident. (Atts. 91, 128).

OFFICER FETZER

In a statement to IPRA on 12 July 2013, Witness Officer John Fetzer, #10953 gave a substantially similar account as his partner Officer Dejativong as to the foundation of the incident. Officer Fetzer further stated that when he and Officer Dejativong arrived at the parking lot of the CVS Pharmacy, he observed several other police vehicles, a covert vehicle in the lot, and several officers who had taken cover near their vehicles. Officer Fetzer observed Mr. [REDACTED] vehicle parked in the CVS lot facing south with Mr. [REDACTED] in the driver's seat. Officer Fetzer stated that Mr. [REDACTED] then exited his vehicle abruptly, attempted to run east in a crouching position but changed direction and ran towards officers while holding what appeared to be a small blue steel semiautomatic handgun. Officer Fetzer took cover behind the covert vehicle and heard multiple gunshots. When Officer Fetzer left his position of cover he saw Mr. [REDACTED] falling to the ground.

After the gunfire stopped, Officer Fetzer saw a black wallet on the ground near Mr. [REDACTED] hand as other officers approached Mr. [REDACTED] (Atts. 73, 74).

OFFICER FIETKO

In a statement to IPRA on 12 July 2013, Witness Officer David Fietko, #5012, stated that he was working with Officer Sean Bottom and assigned to Beat 2263A when he monitored a radio call regarding a suicidal person. Officer Fietko and Bottom responded to the CVS Pharmacy parking lot, and observed Mr. [REDACTED] vehicle, but could not see Mr. [REDACTED] in the vehicle; the windows were raised and the door was closed.

Officer Fietko observed several other officers on the scene with their vehicles near Mr. [REDACTED] vehicle. Those officers were attempting to speak with Mr. [REDACTED] Officer Fietko was attempting to see if Mr. [REDACTED] was in his vehicle when Mr. [REDACTED] opened the driver's door and exited his vehicle, advancing rapidly toward the officers. Mr. [REDACTED] had his arms extended toward them, raising his arms toward his eyeline. As Mr. [REDACTED] advanced toward the officers, Officer Fietko momentarily lost sight of Mr. [REDACTED] Once Mr. [REDACTED] returned to Officer Fietko's line of sight, Officer Fietko heard multiple shots. Officer Fietko observed Mr. [REDACTED] rotate towards his direction and Officer Fietko sought cover behind nearby bushes. After the gunfire stopped, Officer Fietko observed Mr. [REDACTED] on the ground while Sergeant Schield and another officer advanced toward him. Officer Fietko heard Sergeant Schield tell officers that the street needed to be blocked off and secured. (Atts. 78, 120).

OFFICER BOTTOM

In a statement to IPRA on 26 July 2013, Witness Officer Sean Bottom #18938 gave a substantially similar account as his partner Officer Fietko as to the foundation of the incident.

Officer Bottom further stated that when he and Officer Fietko arrived at the CVS Pharmacy parking lot, they encountered other officers and offered their assistance. As they were doing so, Officer Bottom heard an unidentified male voice²² telling someone, "We are only here to help you." Officer Bottom then heard screaming and gunshots, and simultaneously took cover behind Officer Smolek's vehicle. When the gunshots stopped, Officer Bottom walked over to Mr. [REDACTED] who was lying on the ground approximately fifteen (15) to twenty (20) feet from Officer Smolek's vehicle. Officer Bottom then checked Mr. [REDACTED] vehicle for additional occupants, finding none. Officer Bottom observed a closed black wallet on the ground near Mr. [REDACTED] left leg. (Atts. 94, 119).

OFFICER MARINO

In a statement to IPRA on 30 July 2013, Witness Officer Steve Marino, #4718 stated that he was working a 022nd District Tactical beat with Officer Daniel Sheehy. They monitored a radio transmission regarding a possibly armed offender, Mr. [REDACTED] in the parking lot of the CVS Pharmacy located at 3951 West 103rd Street. Officer Marino and Officer Sheehy responded to the scene and exited their vehicle, taking cover behind a brick structure in the parking lot. Officer Marino could hear officers speaking to a subject in a vehicle. Mr. [REDACTED] exited his vehicle with a black object in his hands, holding the object in a combat firing stance and waving the object from side to side in the direction of officers. Officer Marino stated that he believed this object to be a firearm.

Officer Marino heard a gunshot and took cover behind the brick structure, believing that Mr. [REDACTED] had fired the shot. At that point, Officer Marino could not see Mr. [REDACTED] but heard multiple additional gunshots. After the firing stopped, Officer Marino looked from his position and saw Mr. [REDACTED] on the ground with blood near him. Even though Officer Marino had his weapon drawn during the incident, he did not discharge it because other officers were in his line of fire. Officer Marino later learned Mr. [REDACTED] did not have a weapon. (Atts. 79, 126).

OFFICER SHEEHY

In a statement to IPRA on 30 July 2013, Witness Officer Daniel Sheehy #9689 gave a substantially similar account as his partner Officer Marino as to the foundation of the incident. Officer Sheehy stated that he and Officer Marino took cover behind the brick structure of the parking lot that was used by the CVS Pharmacy and St. Xavier University.²³ Officer Sheehy believed the black object Mr. [REDACTED] was brandishing to be a firearm because of the nature of the call and the information about Mr. [REDACTED] possibly being armed. Officer Sheehy saw Mr. [REDACTED] advancing on the officers who discharged their weapons at Mr. [REDACTED] who fell to the ground. After the firing stopped, an ambulance arrived and the crew administered aid to Mr. [REDACTED] (Att. 77).

INVOLVED OFFICER STATEMENTS

²² Identified as Sergeant Schield.

²³ 3700 West 103rd Street.

OFFICER JEFFERSON

In a statement to IPRA on 15 July 2013, Involved Officer Karen Jefferson #6856, stated that she was working alone and assigned to Beat 2212 on 11 July 2013, when she was given the assignment of an off-duty CFD member²⁴ who was suicidal and may be armed with a firearm at [REDACTED]. When Officer Jefferson arrived, she observed Sergeants Simon and Looney outside speaking to Mrs. [REDACTED]. As Officer Jefferson was preparing to exit her vehicle she heard a radio transmission that Mr. [REDACTED] had “fled the scene” in his black Ford Explorer. Immediately following the radio transmission, Officer Jefferson heard a different officer advise, via radio, that Mr. [REDACTED] and his vehicle were possibly located at 115th Street and Kedzie Avenue. Upon hearing this transmission, Officer Jefferson left [REDACTED] and began driving toward 115th Street and Kedzie Avenue. Prior to arriving at 115th Street and Kedzie Avenue, Officer Jefferson heard a radio transmission that the located vehicle was not Mr. [REDACTED] vehicle. An OEMC dispatcher provided information that Mr. [REDACTED] may possibly be at a CVS in the area of Pulaski Road. Officer Jefferson responded to the CVS Pharmacy at 103rd Street and Pulaski Road. When Officer Jefferson turned onto 103rd Street, she observed Mr. [REDACTED] vehicle and informed OEMC of her observations. Officer Jefferson was advised by an OEMC dispatcher not to approach the vehicle alone and to wait for back up. An undercover officer, later identified as Thomas Hamilton, radioed that he was behind Officer Jefferson in a covert vehicle.

When Officer Jefferson exited her vehicle, she observed Mr. [REDACTED] on his phone in his vehicle. He was shaking his head “no” while looking at her, and moving his left arm around in his vehicle. Officer Jefferson observed Officer Sawicki arrive and position his vehicle in front of Mr. [REDACTED] at an angle. A short time later an unmarked squad car arrived with Sergeant Schield and two other officers; all of the officers exited their vehicles. As Sergeant Schield approached Mr. [REDACTED] Sergeant Schield held his hands up so as to show Mr. [REDACTED] that he did not pose a threat; Sergeant Schield then began to speak to Mr. [REDACTED]. Officer Jefferson recalled hearing Sergeant Schield telling Mr. [REDACTED] that everything was “going to be okay” and requesting Mr. [REDACTED] to exit the vehicle; however, Mr. [REDACTED] refused.

Officer Jefferson stated that Sergeant Schield requested that a CIT-trained officer be sent to the scene immediately as he continued to ask Mr. [REDACTED] to exit the vehicle. As Sergeant Schield was communicating with Mr. [REDACTED] Officer Jefferson transmitted, via radio, every observation she was making of Mr. [REDACTED]. Officer Jefferson observed Mr. [REDACTED] moving around in the vehicle and at times she could not see either of his hands. At one point Mr. [REDACTED] placed his car in gear and moved his vehicle forward toward Officer Jefferson and then moved it back again. Officer Jefferson then began to move her vehicle to block Mr. [REDACTED] vehicle further but was ordered by Sergeant Schield not to do so.

Officer Jefferson recalled hearing a radio transmission that a weapon was found at the [REDACTED] residence, but that it was unknown if he had another weapon with him. Officer Jefferson observed Mr. [REDACTED] recline the seat of his vehicle several times and then make the

²⁴ Later identified as Mr. [REDACTED]

sign of the cross. A few seconds after Mr. [REDACTED] had made the sign of the cross,²⁵ he quickly exited from his vehicle and took a “tactical stance” with what she believed to be a firearm in his hands, pointed towards her, as he was flailing²⁶ his arms around as if he was shooting. Officer Jefferson was trying to create distance and locate cover between her and Mr. [REDACTED] when she heard a gunshot. Officer Jefferson looked toward Mr. [REDACTED] and observed him still moving his arms in a “flailing” manner. Officer Jefferson ensured she had a clear line of sight to Mr. [REDACTED] and discharged her firearm at Mr. [REDACTED] as she was maneuvering to take cover.

Officer Jefferson, was still discharging her weapon when she obtained cover and encountered Officer Smolek. Officer Smolek asked Officer Jefferson if she, Officer Smolek, had been hit by a round because Officer Smolek felt a burning sensation. Officer Jefferson informed Officer Smolek that she had not been hit. Officer Jefferson then observed that Mr. [REDACTED] was still pointing the black object in the direction of the other officers.

Officer Jefferson next saw Mr. [REDACTED] on the ground and observed Sergeant Schield motioning with his hands towards the officers to stop firing. Officer Jefferson stated that she believed Mr. [REDACTED] was armed with a firearm because of her observations of Mr. [REDACTED] actions. Officer Jefferson was later informed she had discharged her weapon five times. Officer Jefferson later learned that Mr. [REDACTED] had a black wallet in his hand and not a weapon. (Atts. 30, 31).

OFFICER HURLEY

In a statement to IPRA on 15 July 2013, Involved Officer Amy Hurley, #19490, stated that she was working Beat 2211, alone, when she was assigned as backup for Officer Karen Jefferson on a call for service related to a member of the CFD threatening suicide with a firearm. Officer Hurley first went to the [REDACTED] address. When Officer Hurley arrived, there were several officers already on scene with Officer Jefferson, who were speaking to Mrs. [REDACTED] Mr. [REDACTED] wife. Officer Hurley did not exit her squad car but overheard Mrs. [REDACTED] tell other responding officers that Mr. [REDACTED] was not home, that he did own weapons and might have one with him, and that he was driving a black Ford Explorer with firefighter license plates. Officer Hurley heard a radio broadcast advising that Mr. [REDACTED] was possibly at one of the area pharmacies, either the Walgreens located at 111th Street and Kedzie Avenue or the CVS Pharmacy located at 103rd Street and Pulaski Road.

Officer Hurley responded to the area of 111th Street and Kedzie Avenue to search for Mr. [REDACTED] vehicle. She was unsuccessful at locating the vehicle and began driving towards the CVS Pharmacy located at 103rd Street and Pulaski Road. While en route, Officer Hurley heard Officer Jefferson advise via radio that she had located Mr. [REDACTED] and his vehicle at the CVS Pharmacy at 103rd Street and Pulaski Road. Officer Hurley responded to the location and noticed that Mr. [REDACTED] vehicle was backed into a parking space. Officer Hurley placed her squad car just west of Mr. [REDACTED] vehicle and approximately thirty (30) feet away.

²⁵ Officer Jefferson could not recall if she referred to this action as the sign of the cross or a “Hail Mary” during her radio transmission.

²⁶ Officer Jefferson describes “flailing” as hands in a controlled tactical position moving his arms back and forth, left to right, as if he was shooting.

Officer Hurley exited her vehicle and positioned herself behind a silver colored vehicle, approximately forty (40) feet away from Mr. [REDACTED] vehicle. Officer Hurley recalled Officer Jefferson relaying via radio her observations of Mr. [REDACTED] actions inside his vehicle. Officer Hurley observed that a sergeant arrived on scene and attempted to talk Mr. [REDACTED] into allowing the officers to help him. Officer Hurley observed Mr. [REDACTED] put his vehicle in 'Reverse' and then into 'Drive' as if he was going to drive directly at the officers. Officer Hurley heard other officers giving Mr. [REDACTED] verbal directions to exit the vehicle and allow officers to help him; Officer Hurley herself did not provide any verbal directions to Mr. [REDACTED]

Officer Hurley could see Mr. [REDACTED] talking on his cell phone and holding the phone with one hand, but could not see his other hand. Mr. [REDACTED] reclined his seat and reached for the center console in his vehicle. Officer Hurley recalled that at that moment, Officer Jefferson announced: "He just did a Hail Mary!" Seconds later Mr. [REDACTED] exited his vehicle holding a black object with both of his hands gripped around it. He took a combat firing stance and ran toward the group of officers, moving his arms from side to side, pointing the black object in the direction of the officers.

Mr. [REDACTED] was running parallel to Officer Hurley and she believed Mr. [REDACTED] had a weapon when she heard a gunshot, which she thought came from Mr. [REDACTED] Officer Hurley had a clear shot and, believing that Mr. [REDACTED] was firing at officers, discharged her weapon at him approximately four times. She did not know if any of her rounds struck Mr. [REDACTED] but he did fall to the ground, at which point a male voice yelled, "Cease fire!" Officer Hurley observed Sergeant Schield and Officer Meuris approach Mr. [REDACTED] whose left hand was underneath his body. As Officer Hurley was better able to see Mr. [REDACTED] she observed that the black object that Mr. [REDACTED] had been holding was a wallet. Officer Hurley did not know who fired the first shot. (Att. 33).

OFFICER SHEPARD

In a statement to IPRA on 15 July 2013, Involved Officer Michael Shepard, #9736, stated that he and Officer Malcolm Domio were working in uniform assigned to Beat 4211D, when they monitored a call of a suicidal man with a gun who might be headed to a Walgreens or a CVS Pharmacy at 103rd Street and Pulaski Road. Officer Shepard advised that his supervisor, Sergeant Schield, radioed and told all 4200 units to respond to assist. Officer Shepard then heard a female officer²⁷ come over the radio and state that she had found Mr. [REDACTED] and his vehicle in the CVS Pharmacy parking lot. Upon his arrival at that location, Officer Shepard observed that Mr. [REDACTED] vehicle was parked on the north side of the lot, facing south. Officer Shepard, along with Officers Dejativong and Fetzer, took cover behind a vehicle he later learned was a covert police vehicle. Officer Shepard heard over the radio that a weapon had been recovered at Mr. [REDACTED] residence but he could possibly have another weapon with him.

²⁷ Later identified as Officer Karen Jefferson.

Officer Shepard stated that Sergeant Schield was attempting to convince Mr. [REDACTED] to exit his vehicle. Officer Jefferson radioed that she could only see one of Mr. [REDACTED] hands which was holding a cell phone but could not see his other hand. Officer Shepard observed Mr. [REDACTED] move his vehicle back and forth as if he was going to ram his vehicle into other officers on scene who had taken cover behind their vehicles. Officer Shepard advised that his partner, Officer Domio, was to the north of his position, taking cover by a green electrical box. Officer Shepard heard someone state that Mr. [REDACTED] had "done a Hail Mary" and immediately after that comment, Officer Shepard observed Mr. [REDACTED] exit his vehicle in a combat stance with a black object in his hand. Officer Shepard recalls he then heard a shot and observed Officer Jefferson run around her vehicle to take cover and put distance between her and Mr. [REDACTED]

Officer Shepard stated that he drew his weapon, fired three or four shots at Mr. [REDACTED] and took cover again. As Officer Shepard took cover again, he could see that Mr. [REDACTED] with the black object still in his hands, was making a sweeping motion, moving his hands back and forth from side to side. Officer Shepard discharged his weapon again at Mr. [REDACTED] emptying the magazine of his weapon. He reloaded but did not fire again because he observed that Mr. [REDACTED] was down and Sergeant Schield was yelling to cease-fire, and asking if anyone could see Mr. [REDACTED] hands. Officer Shepard stated that at the time of the incident, the actions of Mr. [REDACTED] and the way he was holding the black object were consistent with those of a person who was armed with a weapon. Officer Shepard believed that Mr. [REDACTED] had fired the first shot that he heard. Officer Shepard later learned that Mr. [REDACTED] had not been armed but had been holding a black wallet in his hands. (Atts. 24, 25).

OFFICER DOMIO

In a statement to IPRA on 15 July 2013, Involved Officer Malcolm Domio, #7900 gave a substantially similar account as his partner Officer Shepard as to the foundation of the incident. Officer Domio further stated that he took cover next to a green electrical box but was unsure of where Officer Shepard had taken cover. Officer Domio heard another officer, he was not sure whom, giving Mr. [REDACTED] verbal commands. The same officer was announcing to the on-scene officers around him that he could only see one of Mr. [REDACTED] hands, and that he appeared to be holding a phone but his other hand was not visible.

After Mr. [REDACTED] exited his vehicle, Officer Domio heard a shot and fell to the ground to avoid being hit, injuring his elbow and knee. Officer Domio observed Mr. [REDACTED] raise his hands in a combat stance while moving toward other officers. Officer Domio left his position of cover behind the green electrical box and discharged his weapon toward Mr. [REDACTED] three or four times at first, and then an additional five or six times until he saw Mr. [REDACTED] fall to the ground. (Atts. 36, 37).

OFFICER SMOLEK

In a statement to IPRA on 15 July 2013, Involved Officer Marlene Smolek, #5499, stated that she was assigned to beat 2213, working alone on 11 July 2013, when she monitored a radio call of a suicidal person who was being sought and then had been located at 3951 West

103rd Street in a CVS Pharmacy parking lot. When Officer Smolek arrived, she entered the lot and positioned herself to the east of Mr. [REDACTED] vehicle, in the driveway of the parking lot. Other units were on the scene and Sergeant Schield was telling Mr. [REDACTED] to lower his window and allow the officers to help him. Via radio, Officer Jefferson was informing the other officers on the scene of what movement she saw from Mr. [REDACTED]. At one point Officer Jefferson announced that Mr. [REDACTED] had just "done a Hail Mary." Moments later the door of Mr. [REDACTED] vehicle opened and he exited; Officer Smolek stated that Mr. [REDACTED] took a shooter's stance with both hands wrapped around a black object that appeared to be a firearm pointed in her direction. Fearing for her life, Officer Smolek discharged her weapon simultaneously as the other officers on the scene were firing their weapons. She did not recall how many times she discharged her weapon but was later informed that she had fired five (5) times. Officer Smolek saw Mr. [REDACTED] fall to the ground, and she then holstered her weapon. Officer Smolek recalled hearing a male voice shout, "Gun! Gun!" during the incident but did not know who shouted that warning or precisely when it was shouted. Officer Smolek stated that As Mr. [REDACTED] was being taken away to the hospital, he said, "Thank you, you did your job." (Att. 34).

OFFICER WEBB

In a statement of to IPRA on 15 July 2013, Involved Officer Maureen Webb, #12525, stated that on 11 July 2013, she and her partner Officer Jason Bjork, had Sergeant Schield riding with them. Officer Webb recalled that they were monitoring a radio call of an attempted suicide with a firearm and started to respond to the [REDACTED] but other responding officers stated over the air that Mr. [REDACTED] had left the residence, might still be armed, and was possibly headed to a Walgreens or CVS Pharmacy on Pulaski Road. With information regarding Mr. [REDACTED] possible whereabouts, they learned that a vehicle matching the description had been observed in the CVS Pharmacy parking lot. Officer Webb indicated that they entered the parking lot and observed Mr. [REDACTED] vehicle in a parking space facing southbound, surrounded by several police vehicles.

Officer Webb exited her vehicle and took cover by a vehicle near Mr. [REDACTED] vehicle while Sergeant Schield was speaking to Mr. [REDACTED] asking him to roll down the windows so that they could speak to him. Officer Webb heard a radio transmission indicating that Mr. [REDACTED] was on the phone with his wife, who was asking him to cooperate with the police. Officer Webb saw Mr. [REDACTED] holding a phone with his right hand, while he appeared to rummage about the interior of the vehicle with his left hand. Officer Webb then heard a female officer say that Mr. [REDACTED] had just "done a Hail Mary." Mr. [REDACTED] reclined his seat and then moved it forward again. Officer Webb stated that at that time, she believed that Mr. [REDACTED] was about to kill himself.

Officer Webb observed Mr. [REDACTED] again search for something inside his vehicle. Mr. [REDACTED] then exited his vehicle, took a firing stance, and extended his arms with a black object in his hands while advancing towards the officers, moving his arms from left to right. Officer Webb heard gunshots, and she believed that Mr. [REDACTED] was shooting at police officers. Officer Webb discharged her weapon two or three times at Mr. [REDACTED]. Officer Webb

discharged her weapon because Mr. [REDACTED] was still standing, and she believed he was still shooting at her fellow officers.

Officer Webb indicated that once Mr. [REDACTED] was down, she, Officer Jefferson, and Sergeant Schield approached Mr. [REDACTED] who was on the ground face-down with his hands beneath him. Officer Webb stated that Mr. [REDACTED] spoke to them and said, "Thank you. Tell my wife and kids that I love them," and that he wanted the police officers to kill him. After Mr. [REDACTED] had been taken from the scene, Officer Webb learned that the object he had been holding was a wallet. Officer Webb stated that she discharged her weapon at Mr. [REDACTED] because she thought the black object in his hands was a weapon and that he was a threat to her and her fellow officers. (Atts. 39, 40).

Submitted:

[REDACTED]

Inv. Garrett Schaaf #80

Approved:

[REDACTED]

Supervising Inv. Brian Dollar #14

CONCLUSION AND FINDING:

With regards to the use of deadly force, based on the totality of circumstances, the Involved Officers' use of deadly force against [REDACTED] was objectively reasonable, and therefore, WITHIN POLICY as defined by the CPD Use of Force Model; the Illinois State statute; and General Order 03-02-03, III, which states:

- A. a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:
1. to prevent death or great bodily harm to the sworn member or to another person, or;
 2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:

- a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
- b. is attempting to escape by use of a deadly weapon or;
- c. otherwise, indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.

As outlined in the General Order, deadly force is permitted by an officer who reasonably believes it is necessary to prevent death or great bodily harm to the sworn member or to another person. Here, a reasonable officer with similar training and experience as that of the Involved Officers would perceive that Mr. ██████ presented an imminent threat of death or great bodily harm. Mr. ██████ appeared to be armed based on his actions and the officers had reason to believe that he was prepared to hurt himself and/or the officers.

Mr. ██████ has a history of mental illness, suicide attempts, and on the date of incident, made references to taking his own life. The involved and witness officers, comprising a diverse group of officers from three separate units, all described Mr. ██████ actions on that day as that of an individual who had a firearm in his hands and intended to use it on the officers. The officers described the behavior of an individual attempting to commit “suicide by cop.”²⁸ Mr. ██████ as a CFD paramedic and a former trained Armed Services member, would have been familiar with emergency situations as well as with “combat” stances.

The officers issued multiple commands to Mr. ██████ to roll down his windows, show his hands, stop advancing, and drop whatever was in his hands, all of which Mr. ██████ ignored. Mr. ██████ continued to advance toward the officers with his wallet in his hands, intentionally making it appear as though he had a firearm in his hands. The officers, who reasonably perceived that Mr. ██████ had a weapon that he was refusing to drop, then exercised deadly force.

The law is clear and well-established regarding the use of deadly force by police officers. First, the analysis of the circumstances must be from a perspective of “a reasonable officer on the scene, rather than with the 20/20 vision of hindsight . . . We thus allow for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” *Plumhoff v. Rickard*, 134 S. Ct. 2012, 2020, 188 L. Ed. 2d 1056 (2014), quoting *Tennessee v. Garner*, 471 U.S. 1, 105 S. Ct. 1694, 85 L. Ed. 2d 1 (1985), internal quotation marks omitted. Also, such an analysis must take into account the totality of the circumstances confronting the officer, rather than just one or two factors. *Plumhoff*, 134 S. Ct.

²⁸ “Suicide by cop” is a colloquial term for a method of suicide that occurs when a subject engages in threatening behavior in an attempt to be killed by law enforcement. Kris Mohandie & J. Reid Meloy, *Suicide by Cop Among Female Subjects in Officer-Involved Shooting Cases*, 54 JOURNAL OF FORENSIC SCIENCES 456–462 (2009).

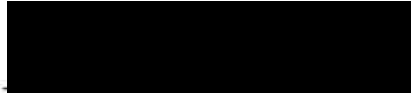
at 2020. *See also Scott v. Edinburg*, 346 F.3d 752, 756 (7th Cir. 2003). In this case, the officers were confronted with a situation where: (1) the officers initially received a call about a potentially suicidal firefighter; (2) the subject sat in his car with the windows rolled up and refused to engage with the responding officers; (3) the subject then moved his car backward and forward, and reclined and un-reclined his seat, showing indecision or hesitation; (4) the subject rummaged around in the center console of his vehicle; (5) the subject then made the sign of the cross; (6) the subject then got out of his vehicle and started moving toward officers; (7) while holding a black object in both hands; (8) and taking a combat stance; (9) continually ignoring officers' commands. In this case, the totality of the circumstances led the responding officers to reasonably believe that the use of deadly force was appropriate.

It should be noted that although Mr. [REDACTED] later stated that he had not in fact been suicidal and had only intended to show the officers his identification, even viewing the incident in the light most favorable to Mr. [REDACTED] account, his actions still gave the officers reason to believe that Mr. [REDACTED] was armed and dangerous to either himself or others on the scene. To be sure, an officer is entitled to make judgments based on the knowledge he had at the time: "The objective reasonableness of a police officer's actions depends upon 'the information [the officer] possessed immediately prior to and at the very moment [she] fired the fatal shot.'" *Jaffee v. Redmond*, 51 F.3d 1346, 1353 (7th Cir. 1995), *aff'd*, 518 U.S. 1, 116 S. Ct. 1923, 135 L. Ed. 2d 337 (1996), quoting *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir.1988).

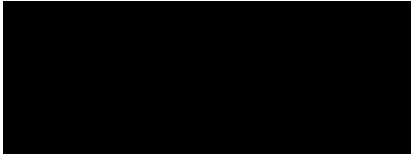
Both Illinois and Federal courts also support the notion that police officers are permitted to utilize deadly force when the officer "believes that a suspect's actions [place] him, his partner, or those in the immediate vicinity in imminent danger of death or serious bodily injury." *Scott v. Edinburg*, 346 F.3d 752, 758 (7th Cir. 2003), quoting *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir.1988) (en banc) (internal quotation marks omitted). *See also Ford v. Childers*, 855 F.2d 1271, 1275 (7th Cir. 1988) (a reasonable belief that danger exists may be formed by reliance on appearances; a police officer was justified in using deadly force when responding to a bank's silent alarm and based on the information he possessed and the circumstances, the officer reasonably but mistakenly concluded that the fleeing suspect had a weapon).

Officers responding to a call of a potentially armed CFD member, Mr. [REDACTED] threatening suicide eventually located him at the CVS Pharmacy. A CIT trained officer was requested and Sergeant Schield attempted to reason with Mr. [REDACTED] and convince him to exit his vehicle and allow officers to help him. Mr. [REDACTED] refused to respond to Sergeant Shield's efforts and instead behaved in an erratic manner, reclining and then un-reclining his seat, moving his vehicle forward and backward, and making the sign of the cross. Immediately after Mr. [REDACTED] appeared to be performing a prayer, he suddenly exited his vehicle, pointing a black object he held with both hands in a combat firing stance while moving it from side to side and advancing in the direction of the officers.

Given the totality of the circumstances surrounding the shooting of Mr. [REDACTED] one can only conclude that when Mr. [REDACTED] exited his vehicle in the manner described, a reasonable officer would have believed that he was armed with a handgun and posed an immediate threat to the lives and safety of the officers and any other citizens in the area. Therefore, COPA finds that the use of deadly force by the involved officers was objectively reasonable and within the policies outlined by the Chicago Police Department.



Deputy Chief Josh Hunt #5
COPA



Deputy Chief Andrea Kersten #7
COPA

