

INSTRUCTIONS: To be used in all cases that are to be classified as either **EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT**, or in **SUSTAINED** cases where the Disciplinary Recommendation does not exceed **Five (5) DAYS SUSPENSION**.

ALLEGATIONS

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INDEPENDENT POLICE REVIEW AUTHORITY

TO: Chief Administrator
Independent Police Review Authority

FROM: Investigator Chantall Morley, #158

SUBJECT: Log#1069981
U#14-18

REFERENCE: RD# HX-317445 (Aggravated battery to peace officer)
Related Log #1069985 (for taser discharge)

DATE/TIME: 24 June 2014, approximately 1823 hours

LOCATION: [REDACTED] (Inside and at front entrance of said location)
Beat 423

INVOLVED OFFICER: WALKER, Robert; Chicago Police Sergeant; star #2371; assigned to 4th District; black male; employee # [REDACTED] DOB: [REDACTED] 1974; DOA: 28 September 1998; on-duty; uniform; Beat 420.

INVOLVED OFFICER'S WEAPON: Smith & Wesson, Model 6946, 9mm semi-automatic pistol; stainless steel finish; Serial [REDACTED]; Registration [REDACTED]; FOID [REDACTED]; Department issued ammunition (WIN 9mm Luger); magazine capacity 12 [total weapon capacity 12+1]; 12 cartridges recovered; 1 casing recovered on scene; see Crime Scene Processing Report #251700. TRR indicates 1 shot was fired.

INVOLVED OFFICER'S INJURIES: None reported.

WITNESS OFFICER #1: BURRELL, Robert; Chicago Police Sergeant; star #1750; assigned to 4th District, detailed to Unit 412; black male; employee # [REDACTED] DOB: [REDACTED] 1963; DOA: 14 July 1986; on-duty; Beat 4253.

WITNESS OFFICER #1'S INJURIES: None reported.

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WITNESS

OFFICER #2: CHUDY, Jeffrey E.; Chicago Police Officer (FTO); star #16126; assigned to 4th District; white male; employee # [REDACTED] DOB: [REDACTED] 1976; DOA: 29 November 2004; on-duty; Beat 443.

WITNESS

OFFICER #2'S

INJURIES: None reported.

WITNESS

OFFICER #3: MONTILLA, Oberrian; Chicago Police Officer; star #13985; assigned to 4th District; black female; employee # [REDACTED] DOB: [REDACTED] 1971; DOA: 21 February 2006; on-duty; Beat 445.

WITNESS

OFFICER #3'S

INJURIES: None reported.

WITNESS

OFFICER #4:

KOZLOWSKI, Matthew; Chicago Police Officer; star #13825; assigned to 4th District; white male; employee # [REDACTED] DOB: [REDACTED] 1986; DOA: 30 November 2012; on-duty; Beat 445.

WITNESS

OFFICER #4'S

INJURIES: Strained right shoulder; pain and soreness to right shoulder and elbow area.

WITNESS

OFFICER #5:

McCANN, Kevin; Chicago Police Officer; star #12030; assigned to 4th District; white male; employee # [REDACTED] DOB: [REDACTED] 1986; DOA: 05 October 2012; on-duty; Beat 447.

WITNESS

OFFICER #5'S

INJURIES: None reported.

INJURED

SUBJECT:

[REDACTED] black male, [REDACTED] 1986, [REDACTED] [REDACTED]. Contact through aunt, [REDACTED]. Another aunt is Ms. [REDACTED], [REDACTED]. Mother is [REDACTED] [REDACTED].

SUBJECT'S

INJURIES:

Gunshot wound to right upper thigh. No exit wound, according to ambulance report. Taser probes in back. Treated at Northwestern Memorial Hospital.

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CIVILIAN

WITNESS #1: [REDACTED] black female, [REDACTED] 1969, [REDACTED]
[REDACTED] id [REDACTED], [REDACTED]. She is an aunt of Mr. [REDACTED]

CIVILIAN

WITNESS #2: [REDACTED], black male, [REDACTED] 1985, [REDACTED],
[REDACTED].

CIVILIAN

WITNESS #3: [REDACTED] black male, [REDACTED] 1985, [REDACTED]
[REDACTED].

CIVILIAN

WITNESS #4: [REDACTED] male, [REDACTED] 1984, [REDACTED], [REDACTED]
[REDACTED]. Son-in-law of [REDACTED]

CIVILIAN

WITNESS #5: [REDACTED], male, [REDACTED] 1989, [REDACTED]
[REDACTED] # of mother, [REDACTED]

CIVILIAN

WITNESS #6: [REDACTED] black male, [REDACTED] 1990, [REDACTED]
[REDACTED]. [Another contact for him is his mother, [REDACTED]
[REDACTED] same address, [REDACTED].]

CIVILIAN

WITNESS #7: [REDACTED] female, unknown DOB, [REDACTED]
[REDACTED], # of mother, [REDACTED]

IPRA

NOTIFICATIONS: IPRA Chief Administrator Scott Ando (did not respond to scene)
General Counsel Eric Muellenbach (responded to scene)
Director Larry Merritt (responded to scene)
Supervising Investigator Sherry Daun (responded to scene and Area South)
Inv. Oscar Nufio (responded to Northwestern Memorial Hospital)
Inv. Jim Lukas (responded to scene, Area South)

TIME OF IPRA

NOTIFICATION: Approximately 1903 hours on 24 June 2014.

**TIME IPRA
ARRIVED**

ON-SCENE: Approximately 2000 hours on 24 June 2014.

INTRODUCTION:

On 24 June 2014, Officers Montilla and Kozlowski conducted a field interview with a group of subjects found to be drinking alcoholic beverages while standing near a parked vehicle in the 8400 block of S. Manistee Avenue. It is reported that one of the subjects, Mr. [REDACTED] became combative with the officers and ultimately fled on foot towards [REDACTED]. The officers pursued Mr. [REDACTED] and were joined in their pursuit by additional officers, to include Sgt. Walker.

Upon contact, Mr. [REDACTED] continued to be combative, ultimately reaching for a weapon in his waistband. Mr. [REDACTED] was tased by Officer Chudy and shot by Sgt. Walker. Mr. [REDACTED] was subsequently taken into custody, where he was found to be in possession of three knives and a letter opener resembling a knife.

APPLICABLE RULES

Chicago Police Department General Order 03-02-01

Chicago Police Department Uniform and Property Order 04-02-04

Chicago Police Department General Order 03-02-02

Warden, Md. Penitentiary v. Hayden

United States v. Santana

Chicago Police Department General Order, GO 03-02-03; Deadly Force, 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 will endanger human life or inflict great bodily harm unless arrested without delay."

SUMMARY OF INCIDENT:

Officers Montilla and Kozlowski, working as Beat 445 (car #8400), drove on Manistee Avenue and observed several individuals drinking near, and inside of, a white Dodge Stratus. The officers exited their marked SUV and instructed the occupants of the Stratus to exit the vehicle and move to the rear of the vehicle. All of the occupants complied, with the exception of Mr. [REDACTED] who refused the officers' direction and remained inside the vehicle. Upon further instruction, Mr. [REDACTED] exited the vehicle and began acting erratically, ripping off his shirt, punching Officer Kozlowski on the chest, and running towards 84th Street. While this occurred, Officer Montilla called for back-up, while Officer Kozlowski followed Mr. [REDACTED]. At 84th Street, Officer Kozlowski and Mr. [REDACTED] again physically struggled; Mr. [REDACTED] ran back to [REDACTED]. The officers observed that Mr. [REDACTED] had his hands in his pockets and they yelled for him to take his hands out of his pockets.

Responding Officer Chudy, Sgt. Burrell and Sgt. Walker pursued Mr. [REDACTED] into the building. Mr. [REDACTED] entered the second floor unit of the two-story apartment building, where his aunt, Ms. [REDACTED] lives. Officer Chudy unsuccessfully discharged a Taser at Mr. [REDACTED]. Mr. [REDACTED] then ran through the second-floor apartment, down the enclosed back stairway, through the first-floor apartment and into the front vestibule of the building. Sgt. Walker followed Mr. [REDACTED] toward and down the back of the house, while Officer Chudy descended the front stairs. Officer Chudy then encountered Mr. [REDACTED] followed by Sgt. Walker in the vestibule. In response to seeing Mr. [REDACTED] pull an object from his waistband, Sgt. Walker fired a single shot, striking Mr. [REDACTED] in the right hip. At approximately the same time Sgt. Walker discharged his firearm, Officer Chudy deployed his taser at Mr. [REDACTED].

After Mr. [REDACTED] was shot, he continued to resist arrest. Sgt. Burrell struck Mr. [REDACTED] on his left arm with an asp baton. Several officers, to include Officer McCann and Officer Kozlowski, then subdued Mr. [REDACTED] and placed him under arrest. During the arrest, Officer Kozlowski fell and scraped his elbow and injured his shoulder. Three knives and a gold-colored letter opener were found on Mr. [REDACTED] person.

Mr. [REDACTED] was transported to Northwestern Memorial Hospital, where he refused surgery for the injury he sustained during the incident.

INVESTIGATION:

EVIDENCE

The **IPRA Preliminary Report and the Major Incident Notification Report** essentially related the same information as reported in the Summary of Incident of this report. (Att. 4)

According to the **Tactical Response Report (TRR)**, completed by Sergeant Robert Walker, Mr. [REDACTED] did not follow verbal directions, fled, was an imminent threat of battery, attacked with a weapon and used force likely to cause death or great bodily harm. Sgt. Walker responded with member presence, verbal commands, and the discharge of his firearm once, striking Mr. [REDACTED] in the right leg as Mr. [REDACTED] ignored verbal commands, produced a cutting instrument and approached other officers. (Att. 8)

According to the **Tactical Response Report (TRR)**, completed by Sergeant Robert Burrell, Mr. ██████ did not follow verbal direction, fled, was an imminent threat of battery, and held a cutting instrument. Sgt. Burrell responded with member presence, verbal commands, and struck Mr. ██████ about the left arm with an asp. (Att. 9)

According to the **Tactical Response Report (TRR)**, completed by Officer Jeffrey Chudy, Mr. Smith did not follow verbal direction, fled, was an imminent threat of battery, and attacked with a weapon. Officer Chudy responded with member presence, verbal commands, and the discharge of his taser. The TRR documents that Officer Chudy fired his taser twice, as the first discharge was ineffective and the second made contact with Mr. ██████ back. (Att. 10)

Taser Deployment Data Sheet documents that Officer Chudy's taser was deployed at 18:25:27 hours, for the standard duration of 5 seconds. The download shows that the taser was deployed for a second 5 second round at 18:25:33 seconds, immediately following the initial deployment¹. The download shows that Officer Chudy deployed his taser a final time at 18:25:44 hours, for the standard duration of 5 seconds. (Att. 11)

According to the **Tactical Response Report (TRR)**, completed by Officer Kevin McCann, Mr. ██████ did not follow verbal direction, fled, and pulled away. Officer McCann responded with member presence, verbal commands, an arm bar hold and takedown/emergency handcuffing techniques. (Att. 12)

According to the **Tactical Response Report (TRR)**, completed by Officer Matthew Kozlowski, Mr. ██████ did not follow verbal direction, fled, pulled away, was an imminent threat of battery, and that he punched Officer Kozlowski. Officer Kozlowski responded with member presence, verbal commands, takedown/emergency handcuffing, and a closed-hand strike. (Att. 13)

According to the **Officer's Battery Report (OBR)**, on the date, time and location of the incident Officer Kozlowski was in uniform when Mr. ██████ attacked with his hands, fists and punches. (Att. 14)

The **OEMC** and **PCAD Reports** were collected and made part of this investigation. At the onset of the audio recording, Officer Montilla can be heard responding to the dispatcher's call, as she is also telling someone to "step to the back." Officer Montilla then reports over the radio that she is involved in a foot pursuit at 84th and Manistee and requests more units. Officer Montilla reported that the subject had his hands in his pocket and gave a brief description of the subjects clothing. Unit 424 responded that they were going to assist. An unidentified unit reported a slowdown, followed by Officer Montilla requesting a sergeant. Officer Montilla requested units to proceed to the alley in the event that the subject exited the building from the rear. She also reported that the subject took his shirt off. Unidentified units report that the subject was still in the residence. Unit 422 reported that Unit 445 saw a weapon in the subject's hand and that the subject was possibly armed. Unit 410 reported that he was on his way to the location.

¹ Officer Chudy indicated that after the first deployment of his taser failed, he pulled the trigger a second time, thus explaining the back-to-back log in the taser download.

“Loud reports” were reported by an unidentified unit. Subsequently, a taser deployment was reported and Unit 445 informed the dispatcher that she was on the wrong zone and requested EMS. Shortly thereafter, Unit 420 reported that he discharged his firearm one time. Initially, Unit 420 informed the dispatcher that nobody had been hit but later in the recording the hit was confirmed. A wagon was requested and it was reported that one subject was in custody. (Atts. 15-20)

While at the scene on the date of incident, Deputy Chief Patricia Walsh reported to IPRA personnel that the **in-car cameras** in the responding units, Beat 445 (car #8400) and Beat 422 (car #6466) did not work, and she provided their existing repair tickets (#8368062 & #8559360 for car #8400; #9199009 for car #6466). An additional faxed request for said videos revealed that there is no video footage from Beats 420, 422, 430, 431, and 445. (Atts. 4, 55)

No **POD cameras** were observed at the scene. An additional computer search revealed no POD cameras in the area. (Att. 25)

The **Chicago Police Department eTrack Inventory Item Inquiry List** detailed the items recovered, to include the letter opener and knives, as part of this investigation. (Att. 85)

The **Evidence Technician Photographs** depict Mr. [REDACTED] Mr. [REDACTED] clothing, Officer Kozlowski, and the scene of the shooting from various angles, including evidence itemized by numbered markers. (Att. 66)

The **Chicago Fire Department Ambulance Report** documented that EMS was dispatched to [REDACTED] at approximately 1830 hours. EMS arrived on scene at approximately 1839 hours and transported Mr. [REDACTED] to Northwestern Memorial Hospital. (Att. 27)

Medical Records obtained from Northwestern Memorial Hospital document that Mr. [REDACTED] presented to the hospital on 25 June 2014 with a gunshot wound to his right hip and two taser prongs to his back. The reports further document that while at Northwestern Memorial Hospital, Mr. [REDACTED] refused surgery for his right hip on several occasions.

is the reports further documented that, during his stay at the hospital, Mr. [REDACTED] spoke about the “bad choices” he made in life, that he felt alone, that he “did not care what happens,” that he is a “psychotic patient,” that his “life is messed up.” Mr. [REDACTED] also made statements that he “wants to die” and he was “not willing to kill” himself. Furthermore, Mr. [REDACTED] stated to hospital personnel that he is “supposed to go” but he is “afraid”; that everyone “hates him and think he is a bad person”; that “everyone has it out for him.” Mr. [REDACTED] stated that he “wants to live” and he “would never kill” himself but wished “God would take” him. On 28 June 2014, Mr. [REDACTED] was transferred to John H. Stroger Hospital. (Att. 92)

Medical Records obtained from John H. Stroger/Cook County Health and Hospital Systems/Cermak Hospital detail treatment Mr. [REDACTED] received while being in the system’s care from 27 June 2014 through 12 November 2015. The records document Mr. [REDACTED] psychological treatment, which included history and diagnosis of Schizophrenia, the medications prescribed, and medical treatment relating to the injury sustained during the incident that occurred on 24 June 2014. (Atts. 94-97)

The **Medical Records** obtained from Advocate Trinity Hospital document that Officer Kozlowski suffered a contusion to his shoulder. He was treated and released. (Att. 57)

Multiple **canvasses** of the area of the incident were made in an attempt to locate additional witnesses and/or evidence. Although contact was made with several individuals, there were no actual witnesses to the incident that could provide relevant information. Ashley Johnson reported that she was not a witness to the incident, but heard yelling and one (1) gunshot before looking out of her window and seeing police officers on the scene. [REDACTED] reported that while watching a baseball game on the television he heard a “thumping” sound. He looked out of the window and observed police officers on the scene. (Atts. 37, 68)

Illinois State Police (ISP) Forensic Science Laboratory Reports document the examination of the recovered ballistic evidence in comparison to the firearm belonging to Sgt. Walker. It was determined that the shell casing recovered at the scene of this event was fired from Sgt. Walker’s Smith & Wesson 9mm semiautomatic pistol. On 21 June 2016, IPRA followed up with ISP regarding the results of the letter opener recovered under inventory number 13205282. It was learned that based on the criminal charges in this matter being adjudicated prior to the forensic tests being completed, the policy of the ISP Crime Lab is to return said items to the Evidence and Recovered Property Section (ERPS) of the Chicago Police Department without completion of testing. (Atts. 76, 82)

According to the **Cook County Clerks court document system, on 10 November 2015**, Mr. [REDACTED] pled guilty and was sentenced to (4) four years in the Illinois Department of Corrections (IDOC). It was also noted that Mr. [REDACTED] underwent psychiatric care while in the Cook County Department of Corrections (CCDOC).

Court transcriptions relating to **Cook County Criminal Case 14CR1312501** document that on 10 November 2015, during a 402 conference requested by Mr. [REDACTED] attorney, Mr. [REDACTED] plead guilty to Aggravated Battery to a Police Officer. The court transcripts also document Mr. [REDACTED] refusal to submit to two Behavioral Clinical Examinations (BCX). (Atts. **(being uploaded into clear)**)

[REDACTED]

On 24 June 2014, IPRA personnel made **contact** with Mr. [REDACTED] at Northwestern Memorial Hospital in order to obtain a statement regarding the incident. Mr. [REDACTED] declined to provide a statement and requested to be contacted at a later date. IPRA personnel made contact with Mr. [REDACTED] attorney, who also declined to allow Mr. [REDACTED] to provide a statement. (Atts. 28)

In a **Complaint at Law Case No: 14-CV-5261**, in the United States District Court for the Northern District of Illinois Eastern Division: the plaintiff, [REDACTED] alleged that Chicago Police Officer Jeffrey Chudy, #16126, used force that was unprovoked and unwarranted. The complaint states that Officer Chudy’s actions were intentional, willful, and wanton. Mr. [REDACTED] further alleged that Chicago Police Sergeant Robert E. Walker, #2371, used unprovoked and excessive deadly force by discharging his firearm and striking Mr. [REDACTED] which seriously injured him. It is also alleged that Sgt. Walker and Officer Chudy violated Mr. [REDACTED]

Fourth and Fourteenth Amendment rights and falsely arrested him. As a result of said actions, Mr. ██████ experienced pain, suffering, fear, emotional distress, and loss of enjoyment of life. (Att. 69)

On 12 August 2014, the R/I sent Attorney Charles Freund, who represented Mr. ██████ in his criminal trial, and Attorney Gregory E. Kulis, who represented Mr. ██████ in a Civil Suit, a letter informing them of the investigation, with a request to interview Mr. ██████. On 02 September 2014, Attorney Kulis responded in writing declining consent for IPRA to speak with Mr. ██████ (Atts. 60, 61, 62)

CIVILIAN WITNESSES

WITNESS, Ms. ██████

On 24 June 2014, during the **walk-through** of the second floor apartment at ██████, Ms. ██████ provided information about the incident². Ms. ██████ said she lived in the apartment and was the aunt of the subject, ██████ whom she said was schizophrenic and bi-polar. Ms. ██████ said that Mr. ██████ came back to her apartment on 23 June 2014 after staying in Wisconsin for two weeks.

Ms. ██████ stated in essence, but not verbatim, that at the time of the incident she was in her apartment and looked out of her front window. She observed relatives of hers who were standing near a car parked on Manistee. Ms. ██████ observed police officers telling someone to exit the vehicle and get against the car. Mr. ██████ exited the car and said, "I'm out."³ Ms. ██████ stated that an officer reached for him, and Mr. ██████ asked the officer why he was grabbing him. Mr. ██████ told the officer that he was "praying,"⁴ but the officer told him, "Bitch, I don't want to hear that."⁵

At that time, Ms. ██████ left her position at the window though she was still able to hear some of the contact between Mr. ██████ and the officers. Ms. ██████ was able to hear Mr. ██████ talk about the Bible. Ms. ██████ ran down the front stairs from her apartment, towards the outside downstairs door.

Ms. ██████ stated that she saw Mr. ██████ on the front porch, near the front doorway. Mr. ██████ stated that an officer was going to kill him; Mr. ██████ told Ms. ██████ not to let "them" kill him. Mr. ██████ whose hands were up, asked Ms. ██████ to stay between him and the officers. Mr. ██████ ran up the inner stairs to Ms. ██████ apartment. Ms. ██████ stated that she the officer that if he thought he needed backup, that he should call for backup now. The officer asked her to step aside, which she did. Ms. ██████ stated that she told Mr. ██████ to calm down and that the officers were going to detain him.

Ms. ██████ stated that she left the vestibule and moved outside of the house, where she

² Inv. Lukas spoke with Ms. ██████ during the preliminary stages of this investigation. Ms. ██████ was not formally interviewed until 25 June 2014. While giving this account, Ms. ██████ acknowledged that she described parts of the incident out of chronological order.

³ See attachment 49

⁴ See attachment 49

⁵ See attachment 49

stood in front of the home. Ms. [REDACTED] stated that she saw Mr. [REDACTED] in the front vestibule, but she did not know if he had anything in his hands. Ms. [REDACTED] stated that she heard a “pop pop”⁶ sound, but she was not sure if the sound was a gunshot or a taser firing. Ms. [REDACTED] explained that she did not hear an officer say anything before she heard the “pop pop”⁷ sound, but said she was talking during the incident. Ms. [REDACTED] stated that Mr. [REDACTED] came outside with his hands up and an officer told him to “step back.”⁸

Ms. [REDACTED] stated that she heard another “pop” sound again, and Mr. [REDACTED] fell down the front stairs. An officer then put his knee on Mr. [REDACTED] back and she subsequently heard Mr. [REDACTED] screaming about his leg. Ms. [REDACTED] said Mr. [REDACTED] was apparently being tased, as one of the officers who had grabbed Mr. [REDACTED] said he felt a shock. (Att. 49)

In a statement to IPRA on 25 June 2014, Witness [REDACTED] provided a similar account of the incident as she did on 24 June 2014. Ms. [REDACTED] stated that she is Mr. [REDACTED] aunt. Ms. [REDACTED] explained that Mr. [REDACTED] had been staying with her for the previous two weeks prior to the date of incident. On that date, Ms. [REDACTED] reported that she was home with her daughters [REDACTED] and [REDACTED]. Ms. [REDACTED] stated that [REDACTED] and Mr. [REDACTED] were outside. Ms. [REDACTED] explained that she was looking out of the window when she observed several police vehicles driving in different directions down the block. Ms. [REDACTED] stated that she left the window to tend to her grandchild when she heard her daughter [REDACTED] yelling her name. When she looked out the window again, she saw Mr. [REDACTED] jogging backwards away from a Caucasian male uniformed officer, now known as Officer Kozlowski, and towards her residence.

Ms. [REDACTED] stated that at the same time, she observed Officer Kozlowski holding his hands in a “boxin’ position.”⁹ Ms. [REDACTED] explained that she yelled out of the window, asking “what’s goin’ on” and asked the officers not to hurt him because he had a mental illness. Ms. [REDACTED] stated that Mr. [REDACTED] suffered from Schizophrenia but she was not sure what medication he was prescribed. At that point, Mr. [REDACTED] asked her to come downstairs, announcing to her that “they” were trying to kill him. Ms. [REDACTED] stated that Mr. [REDACTED] was able to make it to the gangway of the residence, at which point she observed the officer “charging”¹⁰ at Mr. [REDACTED] saying something to the effect of, “bitch.”¹¹

Ms. [REDACTED] stated that the officer “reached the swing” and she believed that Mr. [REDACTED] hit him and caused him to flip over a rose bush. Mr. [REDACTED] explained that she saw Mr. [REDACTED] standing back from the officer with his hands in the air, as if to indicate that he did not want any problems, stating words to the effect of, “I’m a child a god.”¹² Mr. [REDACTED] then ran towards the stairs, at which point Ms. [REDACTED] had made it to the downstairs front doorway.

Ms. [REDACTED] explained that she was standing in the doorway holding Mr. [REDACTED] when

⁶ See attachment 49

⁷ See attachment 49

⁸ See attachment 49

⁹ Statement of [REDACTED] page 9, lines 1-2. Att. 36

¹⁰ I.d., page 15, lines 3-4

¹¹ I.d., page 15, lines 10-11

¹² I.d., page 16, lines 1-2

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an officer making his way up the stairs yelled for Mr. [REDACTED] to “come outside.”¹³ Ms. [REDACTED] stated that [REDACTED] moved passed her, telling her that “they try and kill”¹⁴ him. Ms. [REDACTED] stated that she tried to calm Mr. [REDACTED] down by telling him that the officers were only doing their job, that he was resisting and that now they would have to arrest him. Ms. [REDACTED] explained that the officer was still standing near the stairs when she informed him that Mr. [REDACTED] had a mental illness and suffered from Schizophrenia. Ms. [REDACTED] stated that the officer responding by stating that he did not “give a fuck.”¹⁵ According to Ms. [REDACTED] she informed the officer that he did not have to be disrespectful as she was only letting him know about Mr. [REDACTED] condition. Ms. [REDACTED] stated that the officer (Officer Kozlowski) appeared upset that he had fallen over the bushes and had injured himself, as she saw blood on his arm.

Ms. [REDACTED] stated that at that time, she observed that the female officer (Officer Montilla) had her weapon drawn. Ms. [REDACTED] further explained that while the officer was still at the bottom of the stairs, yelling for Mr. [REDACTED] to come outside, Mr. [REDACTED] responded by telling the officer words to the effect of, “I don’t want no problems with you sir. I aint tryin’ to fight with you sir. Then why y’all messin’ with me. I’m a child a God. I’m just tryin’ to serve God. You messin’ with me. I was on the internet and I was downloadin’ Scriptures and the next thing you know you all seen me download these Scriptures and y’all come after me.”¹⁶ Ms. [REDACTED] stated that other marked and unmarked police vehicles began to arrive.

According to Ms. [REDACTED] the officers exited their vehicles and began to approach the house. Ms. [REDACTED] stated that one of the officers informed her that they received a call reporting that Mr. [REDACTED] had a gun and the officers asked her to move to the side. Ms. [REDACTED] stated that she again tried to reassure Mr. [REDACTED] that the officers were not going to hurt him and asked him to calm down. Ms. [REDACTED] moved to the side, and the officers rushed into the building. Ms. [REDACTED] was unable to see what occurred once the Officers ran up the stairs. Ms. [REDACTED] explained that she believed the officers tased Mr. [REDACTED] while inside of their second floor apartment, as she later observed taser wires strewn throughout the apartment.

Ms. [REDACTED] stated that she believed that Mr. [REDACTED] ran upstairs, through her second floor apartment, and down the back staircase that leads into the first floor apartment. At that point, her downstairs neighbor, [REDACTED] opened the door and Mr. [REDACTED] was standing in the apartment. Mr. [REDACTED] informed her that the officers “threw ‘em down on the floor”¹⁷ on the floor. Ms. [REDACTED] stated that Mr. [REDACTED] proceeded back towards the “lobby” area of the hallway and officers were coming up the stairs. Ms. [REDACTED] stated that she moved out of the way and subsequently heard several loud sounds, followed by a “pow” sound in the stairway that clearly sounded like a gunshot. Moments later, Ms. [REDACTED] observed several officers walking down the stairs, escorting Mr. [REDACTED] out of the building. Ms. [REDACTED] explained that before they could make it down the stairs of the outside porch, an officer tased Mr. [REDACTED]

Ms. [REDACTED] explained that the officers pulled Mr. [REDACTED] down the rest of the stairs and pushed him down onto his stomach in the parkway. Ms. [REDACTED] stated that while trying to

¹³ I.d., page 17, line 19

¹⁴ I.d., page 17, lines 20-22

¹⁵ I.d., page 18, line 24; It is noted that this alleged comment is being investigation in Log#1082464.

¹⁶ I.d., Page 21, lines 23-30

¹⁷ I.d., Page 29, lines 1-2

handcuff him, officers pushed and held his head and face down and another held his legs. Ms. [REDACTED] stated that while the officers were trying to gain control of Mr. [REDACTED] she also tried to calm him down, but he kept screaming in agony that his leg was "broke."¹⁸ Ms. [REDACTED] explained that one of the officers asked the other officer to get off of Mr. [REDACTED] leg, at which point it appeared that the officer leaned all of his weight on Mr. [REDACTED] thigh. When the officer got up off Mr. [REDACTED] leg, Ms. [REDACTED] saw blood on Mr. [REDACTED] left thigh. Ms. [REDACTED] also stated that she observed prongs on the back of Mr. [REDACTED] shirt.

Ms. [REDACTED] further stated that the officers asked Mr. [REDACTED] to calm down and explained to him that an ambulance was on its way. At that time, Ms. [REDACTED] left to call Mr. [REDACTED] parents. When Ms. [REDACTED] returned, Mr. [REDACTED] had already been placed in the ambulance. Ms. [REDACTED] reported that an unidentified officer entered her apartment and went through the unit looking for the gun¹⁹ that was reported Mr. [REDACTED] possessed. Ms. [REDACTED] stated that she told the officer that he had no right being there without a warrant and asked him to leave. Furthermore, Ms. [REDACTED] reported that one of the officers had a small knife that was taken from Mr. [REDACTED] along with his cell phone. Ms. [REDACTED] further added that at one point, Sergeant Burrell struck Mr. [REDACTED] in the arms with a baton, causing bruising to his arm. (Atts. 34, 36)

WITNESS, Mr. [REDACTED]

On 24 June 2014, during a walk-thru of the first floor apartment, **Inv. Lukas spoke with [REDACTED]** who informed him that he was inside of his apartment when he heard noise outside. Mr. [REDACTED] also heard steps coming from the second floor apartment and subsequently heard a knock at his rear door. Mr. [REDACTED] entered his residence from the rear door and ran to the front of the apartment. Mr. [REDACTED] stated that an African American officer²⁰ ran after Mr. [REDACTED]. Two additional officers entered his residence, placed him on the ground and handcuffed him. Mr. [REDACTED] stated that the officers later released him.

Mr. [REDACTED] reported that he heard an officer tell Mr. [REDACTED] that he would shoot him but he did not observe any officer fire their weapon. Mr. [REDACTED] stated that he did not observe any injuries to Mr. [REDACTED] (Att. 29)

WITNESS, Mr. [REDACTED]

On 24 June 2014, **Civilian witnesses [REDACTED] and [REDACTED]** declined to provide a statement to IPRA at Area South, but they were agreeable to providing a statement at a later time. According to the detectives, all of the civilian witnesses at Area South reported that they did not witness the shooting. (Att. 4)

¹⁸ I.d., Page 38, lines 19-20

¹⁹ PCAD Reports and OEMC Transmissions detail a responding unit reporting that Mr. [REDACTED] possibly held a weapon in his hand. Additional officer statements corroborated that Officer Montilla reported that Mr. [REDACTED] possessed a firearm. (Atts. 15-20)

²⁰ Sgt. Walker

On 31 July 2014, IPRA Investigator Dan Kobel called [REDACTED] Mr. [REDACTED] stated that he was present on the date of incident, during the initial contact with members of the Chicago Police Department. Mr. [REDACTED] explained that he was standing near a vehicle with his friends, [REDACTED] and [REDACTED] when the police officers arrived. Mr. [REDACTED] stated that Mr. [REDACTED] was inside of the vehicle, "just hanging out."²¹ Mr. [REDACTED] stated that the officers asked Mr. [REDACTED] to step out of the vehicle but he hesitated. Mr. [REDACTED] stated that Mr. [REDACTED] finally exited the vehicle but refused to follow the officers' orders to stand against the vehicle.

Mr. [REDACTED] stated that Mr. [REDACTED] was Schizophrenic and described that Mr. [REDACTED] became very paranoid. Mr. [REDACTED] stated that Mr. [REDACTED] kept his hands inside of his pockets during the initial interaction with the officers and that Mr. [REDACTED] fled from the officers and ran inside of the building in which he resided. Mr. [REDACTED] stated that once Mr. [REDACTED] was inside of the building, he did not observe what occurred but heard a "popping" noise that sounded like a taser being deployed.

Mr. [REDACTED] was scheduled to report to IPRA to provide a statement on 4 August 2014, at 1000 hrs, but he did keep his appointment. IPRA Investigator Dan Kobel telephoned Mr. [REDACTED] on 04 August 2014 at approximately 1025 hrs and left him a voice message requesting that he reschedule his statement. As of the date of this report, Mr. [REDACTED] had not returned any contact. (Att. 59)

On 25 June, 2014, [REDACTED] provided Area South Detectives an **Electronically Recorded Interview, registered under ERI 69671**. During said interview, Mr. [REDACTED] stated that on the date of incident, he, [REDACTED] and [REDACTED]²² went to pick up money from Mr. [REDACTED] baby's mother, who resides at [REDACTED] Mr. [REDACTED] explained that they were outside talking and he was drinking a Corona beer when the police arrived. Mr. [REDACTED] stated that there was a black female officer and a white male officer and both officers were dressed in uniform.

Mr. [REDACTED] stated that the male officer asked them to put their hands on the vehicle and they complied. Mr. [REDACTED] stated that the female officer asked the "suspect,"²³ who was sitting in the vehicle and whom Mr. [REDACTED] does not know (now known as [REDACTED]) to step out of the vehicle and go to the rear of the vehicle. Mr. [REDACTED] stated that the "suspect" exited the vehicle and when the officer told him to step to the rear, the "suspect" said "no"²⁴ and proceeded to the front of the vehicle.

Mr. [REDACTED] explained that the "suspect" had his hands in his pocket as he proceeded towards the front of the vehicle then he ran northbound on Manistee. Mr. [REDACTED] stated that the male officer "pursued"²⁵ the "suspect" and at one point, "just a few houses down" the officer tried to grab the "suspect" but the "suspect" ran back southbound and made it to the front of [REDACTED] Mr. [REDACTED] described that, the male officer tried to "pursue" the

²¹ See attachment 59

²² See Electronically Recorded Interview (ERI) of [REDACTED] Att. 86

²³ *I.d.*, See ERI of Mr. [REDACTED]

²⁴ *I.d.*, See ERI of Mr. [REDACTED]

²⁵ *I.d.*, See ERI of Mr. [REDACTED]

“suspect” again but he pushed the officer, causing the officer to fall and sustain a bloody elbow. Mr. [REDACTED] stated that at the same time, the “suspect” was still going in this pocket; which he [Mr. [REDACTED]] believed the “suspect” had a gun in his pocket.

Mr. [REDACTED] stated that before back-up arrived, the “suspect” ran inside of the house, with the male officer following. Shortly thereafter, several responding units arrived. Mr. [REDACTED] stated that he was able to see officers in the building and at the door of the apartment asking the “suspect” what he had in his pocket. Mr. [REDACTED] then saw the door to the apartment open and heard a lot of “tumbling and rumbling.”²⁶ Mr. [REDACTED] then observed the “suspect” and the officers down stairs, near the entry door, and he observed a “white shirt” officer pull out his baton and swing the baton a couple of times to calm the “suspect” down. Mr. [REDACTED] explained that the “suspect” he still had his in his pockets and was resisting the officers. Mr. [REDACTED] stated that he then heard a “zap”²⁷ and a “pow”²⁸ and saw the “suspect” fall. Mr. [REDACTED] stated that the “suspect” still had his and would not obey the officers’ verbal commands to take his hands out. Mr. [REDACTED] explained that the officers gave the “suspect” ample time to take his hands out of this pocket but he refused to comply. Mr. [REDACTED] further explained that “he had never seen anything like that before.”²⁹ Mr. [REDACTED] stated that the “suspect” continued to resist, describing that it was like a “football pile”³⁰ of officers trying to get control of the “suspect” in order to handcuff him.

Mr. [REDACTED] stated that he was transported to the Area for questioning. Mr. [REDACTED] explained that the officers were “pretty cool”³¹ and pulled up with good manners and only did their job. Mr. [REDACTED] further stated that everyone who was near the vehicle complied with the officers orders except for the “suspect.” Mr. [REDACTED] explained that if he was a cop, he would have been “freaked out”³² by the “suspect” too. Mr. [REDACTED] explained that he understood the officers’ actions given that the “suspect” continuously placed his hands in his pocket. (Att. 86)

WITNESS, Ms. [REDACTED]

On 23 September 2014, the R/I called [REDACTED] Ms. [REDACTED] identified herself as being Mr. [REDACTED] cousin. Ms. [REDACTED] further stated that she was present during the beginning of the incident, prior to the actual shooting.

Ms. [REDACTED] reported that on the date of incident, just prior to the police arriving, Ms. [REDACTED] had arrived in her vehicle, parking in front of [REDACTED] Ms. [REDACTED] explained that Ms. [REDACTED] was parked and sitting in the front passenger seat of her vehicle, while Mr. [REDACTED] sat in the rear passenger seat and she [REDACTED] stood outside of the vehicle. Ms. [REDACTED] stated that a car with several males, whom she could not identify, arrived and were also standing outside of Ms. [REDACTED] vehicle. Ms. [REDACTED] reported that a police vehicle arrived and the officers ordered everyone outside of Ms. [REDACTED] vehicle. Once outside of the vehicle, Mr. [REDACTED] began to walk towards his aunt’s building and continuously repeated out loud

²⁶ *I.d.*, See ERI of Mr. [REDACTED]
²⁷ *I.d.*, See ERI of Mr. [REDACTED]
²⁸ *I.d.*, See ERI of Mr. [REDACTED]
²⁹ *I.d.*, See ERI of Mr. [REDACTED]
³⁰ *I.d.*, See ERI of Mr. [REDACTED]
³¹ *I.d.*, See ERI of Mr. [REDACTED]
³² *I.d.*, See ERI of Mr. [REDACTED]

that he “was not doing anything wrong.”³³

Ms. ██████ stated that an officer asked Mr. ██████ to stop but Mr. ██████ continued to walk towards the residence, ignoring the officer’s verbal commands. Ms. ██████ described that ██████ was acting “strange”³⁴ and had a “weird look in his eyes.”³⁵ Ms. ██████ stated that she had been informed of Mr. ██████ mental health condition prior to the incident. Ms. ██████ stated that Mr. ██████ acts “weird”³⁶ at times and talks to himself. Ms. ██████ said that she did notice Mr. ██████ acting “strange” as he walked away from the officer.

The R/I attempted to schedule Ms. ██████ for a statement but Ms. ██████ stated that her work schedule prevents her from reporting to IPRA during the week. The R/I scheduled Ms. ██████ for Sunday, 28 September 2014. Ms. ██████ stated that she would call if she was able to make her appointment. The R/I stressed the importance of all witnesses providing a statement in order for a thorough investigation to be conducted. Ms. ██████ failed to keep her appointment and has not contacted IPRA as of the date of this report. (Att. 70)

WITNESS, Mr. ██████

On 25 June, 2014, ██████ provided Area South Detectives an **Electronically Recorded Interview, registered under ERI 69673**. Mr. ██████ informed detectives that his friend, ██████ drove him and his cousin, ██████ to the address of incident in order for him pick up money from his baby’s mother, ██████. Mr. ██████ stated that while he was standing outside of Ms. ██████ residence with Ms. ██████. Mr. ██████ stated that Mr. ██████ “██████ who is Ms. ██████ sister, and ██████ who was sitting in the rear of ██████ white vehicle, the police arrived. Mr. ██████ stated that the reason that the officers exited their vehicle was because they saw open liquor. Mr. ██████ stated that he was not sure who had liquor but did observe “a bunch” of beers. When the officers exited their vehicle, the officers told them to “get on the car.”

Mr. ██████ stated that “██████ was sitting in the rear seat of “██████” vehicle and when the police arrived, “██████ told him to close the door. At that point, the female officer told “██████ to get out of the vehicle and “██████ complied. Mr. ██████ stated that when “██████ exited the vehicle, he began to move towards the front of the car, heading towards the side walk, drinking his “pop,” although the officers had told him to step to the rear of the vehicle. Mr. ██████ explained that both officers approached “██████ and asked him to “come here” and “██████ said no and started to walk towards the porch. Mr. ██████ stated that the male officer tried to grab “██████ and at that point “██████ dropped the cup he was holding and started “swinging” and flailed his arms to prevent the officer from grabbing him. Mr. ██████ stated that “██████ then “jogged” northbound towards the corner of 84th Street, at which time “██████ and the officer began to “wrestle.” Mr. ██████ stated that “██████ then ran back towards their direction, made it to the porch of the residence, entered the building but immediately came back out with his hand in his pocket stating, “What y’all steady trying to reach at me for?”

³³ See attachment 70

³⁴ See attachment 70

³⁵ See attachment 70

³⁶ See attachment 70

Mr. ██████ stated that the male officer got on the radio and asked for back up. At the same time, "██████ entered the building and went upstairs. Mr. ██████ stated that he was unable to see what had occurred inside of the building but he could hear yelling and saw his daughter near the second floor window and asked the officer to get her. Mr. ██████ stated that someone inside of the residence must have moved the children out of the way because the next thing he saw was "██████ holding the door. Mr. ██████ stated that he could hear a lot of screaming and he believed that the officers were telling "██████ to calm down and let them do their job. Mr. ██████ stated that things quieted down for a bit and then he heard a loud "bah" sound that appeared to be a gunshot. Mr. ██████ explained that the officers then brought "██████ out of the building and later the paramedics arrived. (Att. 87)

WITNESS, Ms. ██████

On 25 June, 2014, ██████ provided Area South Detectives an **Electronically Recorded Interview, registered under ERI 69674 and 69675**. During said interview, Ms. ██████ informed detectives that she resides at ██████. Ms. ██████ further related that on the date of incident she, along with her younger brother ██████ her cousin "██████ and his two friends were standing around car drinking beer. Ms. ██████ explained that "██████ was inside of the car, sitting in the rear, behind the driver seat.

According to Ms. ██████ they had open liquor when the police arrived. Ms. ██████ stated that the officers told "██████ to exit the vehicle, which he did and placed his hands in the air, asking the officers what he did wrong. Ms. ██████ explained that as the officers approached "██████ and gave him verbal directions to step to the rear of the vehicle, "██████ fled from the officers. Ms. ██████ stated that the officer pursued "██████ and when the officer caught up to him, "██████ took his shirt off and pushed the officer and continued running north towards the end of the block. Ms. ██████ stated that the two officers followed after "██████ "cornering" him at the end of the block. "██████ then got away from the officers and fled back southbound, towards the car. Ms. ██████ stated that she saw the male officer running behind "██████ and at one point observed the officer getting up off the ground. Ms. ██████ explained that "██████ ran into the building and started yelling out the door, saying he didn't do anything, asking why the officers were chasing him.

Ms. ██████ stated that the officer then ran up a couple of stairs of the building and announced that he was calling back-up. When back-up arrived, "██████ ran up the stairs followed by a supervisor and other officers. Ms. ██████ stated that her mother, ██████ opened the door for the officers and stepped out because she did not want to be involved. Subsequently, Ms. ██████ observed "██████ pushed the door to block the officers. Ms. ██████ stated that she observed ██████ pushing the door shut to prevent the officers from entering the apartment. Ms. ██████ explained that she lost sight of what was occurring when the officers ██████ exited the apartment and was located the hallway. Ms. ██████ stated that at that point she heard a gunshot.

Ms. ██████ stated that the next time she saw ██████ was when he was coming down the stairs, resisting the officers by pulling away from them. When ██████ made his way to the porch area, he was tased. Ms. ██████ stated that once they tased him, they grabbed him, pulled

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him down the stairs and placed him on his stomach to arrest him. Ms. [REDACTED] further explained that her family members continuously told [REDACTED] to "calm down" but he continued to yell that the police were trying to kill him. Ms. [REDACTED] stated that subsequently an ambulance arrived. (Atts. 88, 89)

WITNESS, Mr. [REDACTED]

On 25 June, 201 [REDACTED] provided Area South Detectives an **Electronically Recorded Interview, registered under ERI 69676 and 69677**. During said interview, Mr. [REDACTED] informed detectives that on their way to Auto Zone, he, [REDACTED] and [REDACTED] stopped by [REDACTED] baby's mother, to pick up money. Mr. [REDACTED] stated that once they arrived at the house, they stepped out of the vehicle and were standing around talking to [REDACTED] near her white vehicle. Mr. [REDACTED] stated that a police vehicle arrived with two police officers in it. Mr. [REDACTED] said that the officers exited their vehicle and the female officer told everyone to step to the rear of the vehicle for a routine "check." Mr. [REDACTED] stated that he was holding a "Corona" beer in his hand and he believed that it was the reason the officers stopped. Mr. [REDACTED] further reported that everyone complied with the officers except the "unknown male," whom he never met and who was sitting in the back seat of [REDACTED] vehicle.

Mr. [REDACTED] explained that once the "unknown male" exited the vehicle and instead of proceeding to the rear of the vehicle like everyone else, he moved towards the front. Mr. [REDACTED] stated that the male officer tried to grab the "unknown male," the "unknown male" became aggressive and "swiped away" at the officer. Mr. [REDACTED] explained that during that time, the "unknown male" ran northbound, ending up in the middle of the street where more "swatting" and "tussling" took place between the "unknown male" and the male officer. Mr. [REDACTED] stated that the "unknown male" then ran back around and ended up in the front yard of [REDACTED] where the "unknown male" got into a "standing wrestling match" with the officer. Mr. [REDACTED] stated that he was not sure if the "unknown male" pushed the officer or if the officer tripped and fell but he stated that he saw the male officer fall to the ground. When the officer got up from the ground, Mr. [REDACTED] observed the officer bleeding from his right elbow.

Mr. [REDACTED] stated that the "unknown male" proceeded onto the porch of the residence, at which time other units had arrived. Mr. [REDACTED] then saw the officers surround the house because the "unknown male" had entered the building. Mr. [REDACTED] explained that he could hear yelling and screaming from inside of the building and about a minute later, he saw officers and the "unknown male" at the front door of the residence "tussling," trying to detain him. Mr. [REDACTED] stated that when the "unknown male" came to the door, he had his hands in his pockets, appearing to have a weapon. While at the door with the officers, the "unknown male" continued to resist while the officers exercised caution and provided him continuous verbal commands to "stop resisting." Mr. [REDACTED] explained that although his view was obstructed by the officers standing at the front door, he was able to see the "unknown male's" elbows moving in a manner that appeared as if he was taking his hands out of his pockets. Mr. Williams stated that the officers subsequently tased the "unknown male" and he heard a gunshot.

Mr. [REDACTED] further stated that a male wearing a white shirt had a baton. After the taser discharge and the gunshot, the officers and the "unknown male" made it down the stairs. Mr. [REDACTED] stated that the "unknown male" continued to resist but not as much as he previously

had. Mr. [REDACTED] reported that the officers were eventually able to get the “unknown male” in handcuffs and an ambulance and transport van were called. Mr. [REDACTED] stated that he, [REDACTED] and [REDACTED] brother, whose name he did not know, were transported to the area to be interviewed. (Atts. 90, 91)

On 25 June 2014, an IPRA investigator called Witnesses [REDACTED] [REDACTED] [REDACTED] and [REDACTED] Mr. [REDACTED] provided a consistent account as he did to the IPRA investigator on the date of incident. Mr. [REDACTED] also reported that an unidentified officer “kicked in”³⁷ his back door and handcuffed him for no reason. Upon inquiry, Mr. [REDACTED] relayed that he did not wish to file a complaint. The IPRA investigator left voice messages for the other witnesses. (Att. 30)

OFFICER STATEMENTS

WITNESS OFFICER, Matthew Kozlowski, #13825

In a statement to IPRA on 04 November 2014, Witness Officer Matthew Kozlowski, #13825, stated that on the date of this incident he was working Beat 445 in the 4th District, driving a marked squad car, wearing a full uniform, and working with Officer Montilla. Officer Kozlowski explained that he and Officer Montilla were on routine patrol when they observed three individuals standing at the rear of a vehicle with alcoholic beverages in their hands and two individuals inside of said vehicle. Officer Kozlowski explained that they exited their vehicle and approached the individuals to conduct a field interview. Officer Kozlowski stated that he and Officer Montilla asked the two passengers inside of the vehicle to exit and they asked the three individuals on the outside to place their hands on the vehicle.

Officer Kozlowski explained that there was a female sitting in the front passenger seat and a male, who has been identified as Mr. [REDACTED] in the rear seat behind the driver. Officer Kozlowski described Mr. [REDACTED] as a black male, in his 20s or 30s, approximately 6’00” tall, 220-250 lbs. Officer Kozlowski stated that while Officer Montilla approached Mr. [REDACTED] he [Officer Kozlowski] approached the female and asked her to step out of the vehicle, to which she complied. At that point, Officer Kozlowski heard Officer Montilla giving Mr. [REDACTED] verbal directions to exit the vehicle. Officer Kozlowski stated that he then proceeded to handcuff the individuals standing outside of the vehicle, for reasons of officer safety. Officer Kozlowski stated that Officer Montilla announced, “look out Matt, he’s getting out of the vehicle but he’s not complying.”³⁸

Officer Kozlowski stated that Mr. [REDACTED] exited the vehicle and walked towards the front of the vehicle. Officer Kozlowski turned around to approach Mr. [REDACTED] and stated to him, “just come over here with me.”³⁹ Officer Kozlowski stated that he grabbed Mr. [REDACTED] wrist, at which point Mr. [REDACTED] “flung” Officer Kozlowski’s grip off of him. Mr. [REDACTED] proceeded to tear his shirt off and squared up into a fighting stance. Officer Kozlowski explained that “a few

³⁷ See attachment 30

³⁸ Audio statement of Officer Kozlowski. Att. 78

³⁹ Audio statement of Officer Kozlowski.

closed hand strikes were exchanged”⁴⁰ between the two of them and he attempted to conduct an emergency takedown which resulted in him placing Mr. ██████ in a headlock. Mr. ██████ slipped out of Officer Kozlowski’s grasp and then fled southbound onto the sidewalk.

Officer Kozlowski stated that as he pursued Mr. ██████ he gave him verbal commands to stop and they ended up in the middle of the street where a second struggle ensued. Officer Kozlowski again attempted to take Mr. ██████ to the ground. Officer Kozlowski stated that at one point, Mr. ██████ kicked him and he backed away. Mr. ██████ then fled back towards the vehicle and onto the sidewalk. Officer Kozlowski stated that he ordered Mr. ██████ to show his hands, as Mr. ██████ had now placed his hand in his pocket. When Mr. ██████ did not comply, Officer Kozlowski drew his weapon, pointed it in Mr. ██████ direction and ordered him to show his hands. Mr. ██████ finally complied with Officer ██████ at which point Officer Kozlowski holstered his firearm and again pursued Mr. ██████ tripping on the curb and injuring his shoulder.

Officer Kozlowski stated that Mr. ██████ ran to ██████ and entered the building. Sgt. Walker arrived on scene and Officer Kozlowski explained the situation to him. Sgt. Walker proceeded inside of the building, while Officer Kozlowski waited at the front door of the building.

Officer Kozlowski explained that shortly thereafter, he heard Sergeant Walker yelling words to the effect of, “he’s going out the back.” Officer Kozlowski stated that he descended the front exterior stairs of the building and proceeded towards the back door of the residence where he heard a scuffle. Officer Kozlowski stated that he then heard someone report that Mr. ██████ was going towards the front of the residence, at which time he proceeded back towards the front of the building. Officer Kozlowski stated that while standing on the sidewalk, in front of the building, he saw Sgt. Burrell at the doorway of the building, in the foyer area. Officer Kozlowski then saw Mr. ██████ coming out of the stairwell holding a yellow knife in his left hand in an aggressive manner. Officer Kozlowski observed Sgt. Burrell, who was standing approximately three feet from Mr. ██████ making striking motions towards Mr. ██████ with an asp, ordering him to drop the knife. At that point, Officer Kozlowski heard a “pop” and saw Mr. ██████ fall down the stairs. Officer Kozlowski stated that it appeared Mr. ██████ was resisting being taken into custody by placing his hands under his body as other officers were attempting to detain him.

Officer Kozlowski reported that Officer Montilla called for EMS and an ambulance arrived and transported Mr. ██████ to the hospital. Officer Kozlowski stated that he did not observe when Mr. ██████ was tased or shot. Officer Kozlowski reported that he sustained an injury to his shoulder during the incident. (Att. 78)

WITNESS OFFICER, Oberrian Montilla, #100239

In a statement to IPRA on 04 November 2014, Witness Officer Oberrian Montilla, #100239, stated that on the date of the incident she was working Beat 445 in the 4th District, driving a marked squad car, dressed in full uniform, and working with Officer Kozlowski. Officer Montilla added that when she approached Mr. ██████ who was seated in the back seat, behind the driver, she observed him to be holding a cup containing an alcoholic beverage.

⁴⁰ Audio statement of Officer Kozlowski.

Officer Montilla stated that she could smell the odor of alcohol, and that Mr. [REDACTED] and the other persons in the vehicle admitted that they were drinking alcohol when she asked them what they were drinking. Officer Montilla also stated that she could smell alcohol on Mr. [REDACTED] breath and that he appeared to be intoxicated. Officer Montilla stated that she continuously ordered Mr. [REDACTED] out of the vehicle, at which point he responded by stating that he “fucking heard”⁴¹ her. Officer Montilla explained that she observed several of the individuals with containers of alcohol and also recalled a container sitting at the rear of the vehicle. Officer Montilla explained that after Mr. [REDACTED] exiting the vehicle, she asked him to step to the rear of the vehicle. Mr. [REDACTED] replied, “I fucking heard you”⁴² and walked to the front of the vehicle. Officer Montilla stated that she followed behind Mr. [REDACTED] continuously ordering him to the rear of the vehicle but he did not comply with her orders. Officer Montilla alerted Officer Kozlowski that Mr. [REDACTED] was approaching his side of the vehicle.

Officer Montilla explained that Officer Kozlowski looked towards Mr. [REDACTED] and stated words to the effect of, “let me see your hands” or “get over here to the car.”⁴³ Officer Montilla then observed Mr. [REDACTED] drop his cup, take his shirt off, and take a fighting stance towards Officer Kozlowski as he “balled up”⁴⁴ his fists as if to strike Officer Kozlowski. Officer Montilla explained that Mr. [REDACTED] struck at Officer [REDACTED] but she was unsure if they made contact. Officer Montilla stated that Officer Kozlowski raised his arms to defend himself. Officer Montilla stated that this action went back and forth a few times, at which time she moved towards Mr. [REDACTED] which caused him to flee on foot.

Officer Montilla stated that Officer Kozlowski followed behind Mr. [REDACTED] and he told her to stay with the other individuals who were still standing behind the vehicle. Officer Montilla stated that she ran a bit further but stopped in order to keep visual of the individuals at the vehicle. At that point, Officer Montilla requested assistance over the radio. From where Officer Montilla stayed, she observed Officer Kozlowski and Mr. [REDACTED] stop in the middle of the street and begin to struggle again. Officer Montilla stated that Mr. [REDACTED] then ran back southbound, moving past where she was standing, and onto the sidewalk. Officer Montilla stated that as he moved past her, Mr. [REDACTED] put his hand in his pocket. Officer Montilla told Mr. [REDACTED] to take his hand out of his pocket. Mr. [REDACTED] then stated words to the effect of, “y’all want to fucking kill me.”⁴⁵

Officer Montilla stated that as Mr. [REDACTED] placed his hand in and near his pocket she observed the tip of a black object. At that time Officer Montilla drew her weapon and pointed it in Mr. [REDACTED] direction as he was not complying and as she believed the item in his pocket was a firearm. Officer Montilla stated that she then saw Officer Kozlowski approach Mr. [REDACTED] from behind, at which time she told Officer Kozlowski not to draw too close to Mr. [REDACTED] as she thought he might have a gun. Officer Montilla stated that Officer [REDACTED] told her that he believed Mr. [REDACTED] had a knife. Officer Montilla stated that both she and Officer Kozlowski continued to give Mr. [REDACTED] verbal commands to show his hands and Mr. [REDACTED] continued to repeat words to the effect of, “Y’all want to fucking kill me.”

⁴¹ Audio statement of Officer Montilla. Att. 79

⁴² Audio statement of Officer Montilla.

⁴³ Audio statement of Officer Montilla.

⁴⁴ Audio statement of Officer Montilla.

⁴⁵ Audio statement of Officer Montilla.

Officer Montilla stated that as Mr. [REDACTED] ran on the porch of [REDACTED] he turned to face them and placed his hand back in his pocket. Officer Montilla stated that Officer Kozlowski made movements as if to approach Mr. [REDACTED] but she told him not to as she still believed that Mr. [REDACTED] had a gun. Officer Montilla stated that both she and Officer Kozlowski drew their weapons towards Mr. [REDACTED] at which time they saw a female, now known to be Ms. [REDACTED] peek her head out of the door, over Mr. [REDACTED] shoulder. Officer Montilla stated when Ms. [REDACTED] stated words to the effect of, "oh shit, she has a gun"⁴⁶ and she went back into the house. Officer Montilla stated that at that point Mr. [REDACTED] entered the residence.

Officer Montilla stated that Sgt. Walker arrived on scene and Officer Kozlowski informed him that Mr. [REDACTED] fought with him. Sgt. Walker then stated words to the effect of, "let's go in and get him." Officer Montilla stated that she then went over the air to request officers at the rear of the residence. After additional officers arrived and were with the individuals by the vehicle, Officer Montilla went into the building. As Officer Montilla proceeded up the staircase, at about the middle of the stairway, she observed Sgt. Walker, Sgt. Burrell and Officer Chudy. Officer Montilla stated that she heard Sgt. Burrell and Sgt. Walker giving Mr. [REDACTED] verbal commands to show his hands. Officer Montilla stated that Officer Chudy deployed his taser, at which point she descended the stairs in order to give the officers room as she assumed Mr. [REDACTED] had been hit because she heard him make a noise, and she went over the air to announce the taser deployment. Officer Montilla stated that she subsequently heard Sgt. Burrell announce that Mr. [REDACTED] was running out of the back. Officer Montilla stated that she then went over the radio to announce that Mr. [REDACTED] was running out of the back.

Officer Montilla stated that she proceeded out of the building and waited on the front porch. Officer Montilla then saw Mr. [REDACTED] exiting the front of the building with an object in his right hand. Officer Montilla stated that the object appeared to be a knife, and that Mr. [REDACTED] was making stabbing motions, and stating words to the effect of, "y'all want to fucking kill me." Officer Montilla subsequently observed Sgt. Burrell strike at Mr. [REDACTED] with an asp baton, giving Mr. [REDACTED] verbal commands to drop the object. Officer Montilla stated that Mr. [REDACTED] was making movements to protect himself but he refused to drop the object.

Officer Montilla heard a gunshot and the sound of a taser being deployed, at which time Mr. [REDACTED] groaned and fell forward down the staircase. Officer Montilla radioed for EMS, as other officers attempted to place Mr. [REDACTED] into custody. Officer Montilla stated that Mr. [REDACTED] was combative with the officers, as he was flailing his arms and yelling, "Y'all want to kill me!"⁴⁷ Officer Montilla stated that after Mr. [REDACTED] was finally placed into custody and handcuffed, the officers searched him and recovered a letter opener and two knives. Officer Montilla recalled that she requested EMS at least three times, especially after learning that Mr. [REDACTED] was shot. (Att. 79)

WITNESS SERGEANT, Robert Walker, #2371

In his statement to IPRA on 9 July 2014, Sergeant Robert Walker, #2371 stated that on the date of this incident he was working Beat 420 in the 4th District, driving a marked Crown

⁴⁶ Audio statement of Officer Montilla.

⁴⁷ Audio statement of Officer Montilla.

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Victoria, wearing a full uniform, and working alone as a patrol supervisor. Sgt. Walker stated that on the date of this incident, he responded to [REDACTED] to assist officers that were involved in the foot pursuit of the person now known as Mr. [REDACTED]

Sgt. Walker recalled that Officer Montilla had stated, via police radio, that they were in pursuit of a subject who had a firearm. When Sgt. Walker arrived, Officer Montilla informed him that the subject who had the firearm had ran inside [REDACTED] Sgt. Walker entered the residence and moved up the first steps leading to the second floor. At that time, Sgt. Walker looked to the top of the staircase and observed Mr. [REDACTED] standing at the top of the staircase, with his right hand concealed in his waistband.

Sgt. Walker repeatedly ordered Mr. [REDACTED] to show his hands, to which Mr. [REDACTED] responded, "Fuck you. Fuck y'all. You want to kill me. I'm not getting arrested."⁴⁸ Sgt. Walker requested, via police radio, that other officers assist him as he was in the house with the subject by himself. Sgt. Walker stated that as Sgt. Burrell and Officer Chudy began to enter the door behind him, Mr. [REDACTED] entered the upstairs apartment and closed the door. Sgt. Walker stated that he moved to the landing outside of the second floor apartment door, and kicked the door open. Sgt. Walker stated that Mr. [REDACTED] was still standing just inside the front door, with his hand still concealed in the waistband of his pants. Sgt. Walker instructed Officer Chudy, who had a taser, to move up closer. Sgt. Walker continued to give verbal commands to Mr. [REDACTED] to show his hands, though Mr. [REDACTED] continued to refuse the verbal orders and continued to respond with words to the effect of, "Fuck you. You want to kill me."

At that time, Officer Chudy deployed his taser at Mr. [REDACTED] Sgt. Walker stated that the taser apparently did not strike Mr. [REDACTED] as Mr. [REDACTED] turned and fled towards the rear of the apartment. Sgt. Walker followed Mr. [REDACTED] through the apartment, to find that Mr. [REDACTED] had fled down a rear staircase that leads to the first floor apartment. Sgt. Walker followed Mr. [REDACTED] observing him near the front of the first floor apartment. Sgt. Walker turned his attention away from Mr. [REDACTED] momentarily, as he encountered the resident of the first floor apartment in his kitchen.

When Sgt. Walker moved past the individual, who seemed not to be a threat nor to have any knowledge of why Mr. [REDACTED] had ran through his apartment, he turned his attention back to the place where he had last seen Mr. [REDACTED] Sgt. Walker observed that Mr. [REDACTED] was no longer standing near the door to the apartment. Sgt. Walker moved towards the front door, where he observed that Mr. [REDACTED] was now standing in the vestibule of the building, near the front door to the structure. Sgt. Walker recalled that other officers in the front yard were giving Mr. [REDACTED] verbal direction to show his hands and to surrender, to which Mr. [REDACTED] was still replying, "Fuck y'all! You are trying to kill me!"⁴⁹

Sgt. Walker explained that at this time, he was standing to the side of Mr. [REDACTED] as Mr. [REDACTED] was facing the officers that were outside of the home giving him verbal direction. Sgt. Walker could see that Mr. [REDACTED] hand was still concealed in his waistband. Sgt. Walker stated that he had his firearm pointed in the direction of Mr. [REDACTED] Sgt. Walker stated that he continued to give Mr. [REDACTED] directions to comply, to which Mr. [REDACTED] stated again, "You're not

⁴⁸ Att. 52, Page 12, Lines 1-2

⁴⁹ Att. 52, Page 25, Lines 3-4

going to kill me. You're not going to arrest me. Fuck y'all."

Sgt. Walker stated that Mr. █████ looked in his direction, and then back towards the officers that were outside. Sgt. Walker stated that at that moment, his focus was solely on Mr. █████ and on his right hand in his waistband. Sgt. Walker stated that Mr. █████ quickly raised his right hand out of his waistband and Sgt. Walker could see that Mr. █████ had a shiny object in his hand.

Sgt. Walker stated that he was between 5 and 10 feet from Mr. █████ at this moment. Sgt. Walker stated that he fired one shot at Mr. █████ but that Mr. █████ continued to swing the object he had in his hand up towards the officers in the front of the house. Sgt. Walker stated that simultaneous to his shot, and Mr. █████ still raising the object up and forward, an Officer deployed his taser at Mr. █████

Sgt. Walker stated that Mr. █████ moved from inside the vestibule, onto the front stairs of the residence, where he came into contact with a number of other officers. Sgt. Walker recalled that Mr. █████ continued to be combative with the officers, resisting their attempts to detain him. Sgt. Walker stated that he was not initially certain if his shot had struck Mr. █████ as Mr. █████ seemed to be unfazed and continued to resist.

Sgt. Walker stated that at the time he fired his weapon, he felt that Mr. █████ posed an immediate threat to the officers that were standing in front of him, as they were in close proximity when Mr. █████ pulled the shiny object from his waistband and moved it up and forward. Sgt. Walker later learned that several knives were found on or about Mr. █████ person, though he did not know which specific object he had seen Mr. █████ brandishing.

Sgt. Walker stated that at no time prior to his contact with Mr. █████ did anyone inform him that Mr. █████ suffers from any mental health disorder. Sgt. Walker did not know what basis Officer Montilla had based her information on relating to Mr. █████ being in possession of a firearm. (Atts. 51, 52)

WITNESS SERGEANT, Robert Burrell, #1750

In his statement to IPRA on 26 June 2014, Sergeant Robert Burrell, #1750 stated that on the date of the incident he was working Beat 4253 in Unit 412, driving a marked Crown Victoria, wearing a full uniform, and working alone as a patrol supervisor. Sgt. Burrell stated that he responded to █████ to assist officers that were involved in the foot pursuit of the person now known as Mr. █████

Sgt. Burrell stated that as he arrived at the residence, Sgt. Walker was simultaneously arriving. Sgt. Walker exited his vehicle and went into █████ and Sgt. Burrell followed him inside. Sgt. Burrell explained that as he entered the residence, he observed that Sgt. Walker was midway up the flight of stairs, giving commands to Mr. █████ who was at the top of the staircase. Sgt. Burrell recalled that Ms. █████ was coming down the staircase, attempting to make her way past Sgt. Walker.

Sgt. Burrell stated that Mr. █████ was stating words to the effect of, "Y'all want to hurt me" as he was fleeing up the staircase, and into the apartment.

Sgt. Burrell stated that Mr. █████ closed the door to the apartment as he entered, at which time Sgt. Walker attempted to kick the door. Mr. █████ then opened the door partially, keeping the right side of his body concealed behind the door. Sgt. Burrell and Sgt. Walker began to issue verbal commands for Mr. █████ to show his hands and to exit the apartment, though Mr. █████ refused to follow their instructions.

Sgt. Burrell stated that at that time, Officer Chudy entered the building behind him, and informed him that he was armed with a taser. Sgt. Burrell stepped aside, allowing Officer Chudy to move past him, up the staircase. Officer Chudy fired his taser at Mr. █████ who was still standing in the doorway. Sgt. Burrell stated that the taser apparently did not work, as Mr. █████ then ran from the door and further into the apartment. Sgt. Burrell stated that Sgt. Walker and Officer Chudy pursued Mr. █████ into the apartment.

Sgt. Burrell stated that he ran down the steps, out of the front of █████ believing that Mr. █████ was going to exit the rear of the home. Sgt. Burrell then became aware that Mr. █████ had somehow fled to the first floor, and was attempting to exit the front door. At that time, Sgt. Burrell deployed his ASP baton and instructed Mr. █████ to stop and show his hands as he stood in the front vestibule.⁵⁰

Sgt. Burrell explained that he was able to see that Mr. █████ had a knife in his right hand. Sgt. Burrell related that he ordered Mr. █████ to drop the knife, but that Mr. █████ did not comply with his instruction. Sgt. Burrell used his baton to strike Mr. █████ in the arm, in an effort to disarm him. Sgt. Burrell stated that he could not see Sgt. Walker or Officer Chudy at that moment, as they were still inside the residence, behind and to the side of Mr. █████ Sgt. Burrell stated that he heard a gunshot, and which time Mr. █████ came running out of the residence and fell down on the front stairs. Sgt. Burrell stated that as Mr. █████ fell, he dropped the knife from his right hand. Sgt. Burrell stated that a number of officers converged upon Mr. █████ and attempted to take him into custody, though Mr. █████ struggled against their efforts. Sgt. Burrell recalled that it took approximately four officers to restrain Mr. █████ though he did not recall which officers.

Sgt. Burrell recalled that Ms. █████ was on or near the sidewalk as the officers were attempting to restrain Mr. █████ and was telling him to stop fighting with the police. Sgt. Burrell believed that it was Ms. █████ who, sometime after the incident occurred, informed him that Mr. █████ suffers from a mental health disorder. Sgt. Burrell stated that at no time prior to the incident did anyone offer this information. (Atts. 43, 44)

WITNESS OFFICER, Jeffrey Chudy, #16126

In a statement to IPRA on 26 June 2014, Witness Officer Jeffrey Chudy, #16126, who is a Filed Training Officer (FTO), stated that on the date of this incident he was working Beat 443 in the 4th District, driving a marked vehicle, wearing a full uniform, and working with Officer Gonzalez. Officer Chudy stated that while at another he heard Officer Montilla yelling over the radio, requesting assistance on 84th and Manistee Avenue. Officer Chudy mentioned

⁵⁰ Due to an apparent error in the use of the recording equipment, this portion of Sgt. Burrell's statement was not memorialized on the recording.

that he also heard Officer Montilla mention a gun. Officer Chudy explained that it took him a couple of minutes to arrive at the location of incident. Upon arrival, Officer Chudy parked his vehicle in the middle of the block. After exiting his vehicle and approaching the address of incident, Officer Chudy observed Officer Martinez standing in-front of the address, guarding three of four black males that were detained by a car parked on the west side of the street.

Officer Chudy explained that due to Officer Martinez being by herself, his partner, Officer Gonzalez stayed to help her guard the detainees while he went into the address of incident because he heard a loud commotion coming from the building. Officer Chudy stated that he heard people yelling, "show us your hands"⁵¹ and then heard a male individual screaming, "I know you want to shoot me."⁵² Officer Chudy explained that he entered the front entry of the building and proceeded towards the second floor. Officer Chudy stated that at the top of the stairs he observed Sgt. Burrell at the top of the stairs with his asp out and Sgt. Walker at the landing with his weapon drawn. Officer Chudy stated that both Sgt. Burrell and Sgt. Walker were giving verbal directions towards the door, stating words to the effect of, "let me see your hands"⁵³ and "open up the door."⁵⁴ Officer Chudy explained that as he approached Sgt. Burrell, he drew his taser and one of the Sergeants asked him to continue up the stairs since he had a taser.

Officer Chudy stated that he somehow entered the second floor apartment and observed Mr. █████ who was only wearing a pair of jeans and no shirt, standing in the middle of the living room, facing him, with his right hand in the front of his pants. Officer Chudy reported that he directed Mr. █████ to show his hands, to which Mr. █████ said that he knew the officer wanted to shoot him. Officer Chudy explained that due to Mr. █████ refusing orders to show his hands, he pointed the taser at Mr. █████ center body/chest area, announced "taser" and discharged the taser. Officer Chudy explained that he discharged his taser as a way to end the situation and prevent anyone from getting hurt. Officer Chudy stated that although he did not see Mr. Smtih with a firearm or any firearms in his immediate proximity, Mr. █████ posed eminent threat of danger as he refused to show his hands and continuously stated that he knew the officers wanted to shoot him.

Officer Chudy explained that after he fired his taser, he immediately knew that he missed. He then observed Mr. █████ flee out of the back door. Officer Chudy heard someone behind him yell that Mr. █████ fled through the rear door. Officer Chudy then walked over to where he believed the probes to his taser had landed and he only observed one. Officer Chudy at that point, believed that one of the probes had in fact made contact with Mr. █████ As he was collecting the wire and probe, in order for it to be inventoried, Officer Chudy heard a commotion downstairs. Officer Chudy stated that he exited the second floor apartment through the front and as he was walking down the stairs, he observed Mr. █████ standing in the threshold of the entry into the building, holding his left hand up with his fist clenched, making what appeared to be stabbing motions. Officer Chudy stated that Mr. █████ still had his right hand in front of him.

⁵¹ Statement of Officer Chudy. Page 10, lines 13-14. Att. 48

⁵² I.d., Page 10, lines 14-15

⁵³ I.d., Page 13, line 11

⁵⁴ I.d., Page 13, lines 11-12

Officer Chudy stated that at that point, he heard officers from the outside of the building, ordering Mr. ██████ to show his hands and “drop it.” As Officer Chudy continued down the stairs, he heard a “pop” sound. Officer Chudy explained that based on where he was standing he was unable to see where the “pop” sound came from. Officer Chudy stated that as he almost reached bottom of the stairs, approximately eight to ten feet from Mr. ██████ Mr. ██████ still had his back to him. Officer Chudy announced “taser, taser, taser” and deployed his taser, striking Mr. ██████ Officer Chudy stated that Mr. ██████ stiffened his body and began to fall forward, grabbing onto the railing for support. Officer Chudy stated that he then observed officers walk up the stairs and attempt to place Mr. ██████ in custody but Mr. ██████ continued to resist being placed in handcuffs. Officer Chudy stated that the officers asked Mr. ██████ to stop resisting and to give them his hands. Officers were eventually able to handcuff Mr. ██████ Officer Chudy stated that when he saw officers attempt to place Mr. ██████ in custody, he collected the wires and other parts belonging to his taser for inventory purposes.

Officer Chudy reported that he while he was outside and after discharging his weapon, he observed a black female, now known to be Ms. ██████ Williams, continuously telling Mr. ██████ to “quit fighting” and “just give the officers your hand.” Officer Chudy stated that after the incident he rode in the ambulance with Mr. ██████ to Northwestern Hospital. Officer Chudy stated that Mr. ██████ was very apologetic about causing the incident; Mr. ██████ told Officer Chudy that he did not want to die; Mr. ██████ told Officer Chudy that he should have listened to the initial orders given to him and that he respects the police. Officer ██████ further stated that Mr. ██████ told him that “he was not right in the head, “that “no one loves ‘em,”⁵⁵ that “it’s a cruel world out there,”⁵⁶ and that “no one understands ‘em.” Officer stated that he did not recall anyone on scene ever mentioning that Mr. ██████ had any mental health issues. (Atts. 47, 48)

WITNESS OFFICER, Kevin McCann, #12030

In his statement to IPRA on 26 June 2014, Officer Kevin McCann, #12030 stated that on the date of this incident he was working Beat 447 in the 4th District, driving a marked Crown Victoria, wearing a full uniform, and working with Officer Healy. Officer McCann stated that on the date of this incident, he responded to ██████ to assist officers that were involved with a subject that was fighting with them, and then fled from them.

Officer McCann stated that when they arrived, Officer Kozlowski informed them that the subject who had fled, now known to be Mr. ██████ had ran into ██████ Officer Kozlowski informed Officer McCann that Mr. ██████ had been holding an object that Officer Kozlowski believed to be a firearm.

Officer McCann and Officer Healy proceeded to the rear of the house, in the event Mr. ██████ would attempt to escape. While at the rear of the residence, Officer McCann heard a “pop” that he believed to be a gunshot coming from within the house. Officer McCann ran back to the front of the house and found that Mr. ██████ was now in front of the home, struggling with officers that were attempting to restrain him. Officer McCann assisted in taking Mr. ██████ to the ground and handcuffing Mr. ██████ Officer McCann stated that Mr. ██████ continuously struggled against the officers efforts to detain him.

⁵⁵ I.d., Page 32, lines 3-5

⁵⁶ Same as above.

Officer McCann recalled that an officer, though he did not know who, recovered several knives from Mr. ██████ person subsequent to his arrest. (Atts. 45, 46)

WITNESS OFFICER, Patricia Martinez, #12298

In a statement to IPRA on 06 November 2014, Witness Officer Patricia Martinez #12298, stated that on the date of this incident he was working Beat 422 in the 4th District, driving a marked squad car, wearing a full uniform, and working with Officer Dominic Merola, #7221. Officer Martinez explained that on the date of incident she and her partner responded to the location of incident after hearing Officer Montilla requesting units and sounding distressed.

Upon arrival, Officer Martinez detained, conducted a pat-down, and guarded four individuals that were standing near a vehicle. Officer Martinez stated that she did not recall the full details of the incident but remembered that there were several officers on scene. Officer Martinez recalled a hearing a struggle occurring in the hallway of the residence, hearing a “pop” sound and then seeing Mr. ██████ standing on the sidewalk with officers attempting to place him in custody. Officer Martinez explained that the officers performed an emergency takedown on Mr. ██████ eventually placing him in handcuffs. Officer Martinez explained that Mr. ██████ was a “big” guy and that the officers struggled with him. Officer Martinez added that she recalled Mr. ██████ complaining of pain to his leg and also seeing blood on Mr. ██████ upper thigh area. (Att. 81)

WITNESS OFFICER, Andres Gonzalez, #17919

In a statement to IPRA on 06 November 2014, Witness Officer Andres Gonzalez, #17919, stated that on the date of this incident he was working Beat 443 in the 4th District, driving a marked squad car, wearing a full uniform, and working with Officer Chudy. Officer Gonzalez stated that he and Officer Chudy responded to the location of incident to assist officers requesting assistance. Upon arrival, he observed Officer Martinez standing by a vehicle with three or four individuals. Officer Gonzalez stated that Officer Chudy told him to stay with Officer Martinez while he entered the building because an officer with a taser was requested and Officer Chudy had one. Officer Gonzalez stated that he and Officer Martinez handcuffed the individuals and conducted a protective pat-down of them.

Officer Gonzalez stated that he heard a “scuffle”⁵⁷ occur then subsequently heard orders to “take your hand out of your pocket” and “drop the knife.”⁵⁸ Officer Gonzalez stated that he was approximately 15-20 feet from the entrance of the building when he heard what was occurring. Officer Gonzalez explained that he was unable to see what was occurring because his main focus was on the individuals he and Officer Martinez were detaining. Officer Gonzalez explained that he then heard a “pop” sound and more screaming. Officer Gonzalez stated that the next thing he recalled was Mr. ██████ on the ground near the stairs of the building, proceeding down the stairs while holding the rail. Officer Gonzalez stated that he believed Mr. ██████ was tased prior to him descending the stairs because he saw the taser wires. Officer Gonzalez stated that officers attempted to place Mr. ██████ in custody but he would not let go of the rail. Officer

⁵⁷ Audio statement of Officer Gonzalez. Att. 80

⁵⁸ Audio statement of Officer Gonzalez. Att. 80

Gonzalez stated that Mr. [REDACTED] was eventually placed in custody, at which point Mr. [REDACTED] complained of pain to his leg. Officer Gonzalez stated that officers checked his leg. Officer Gonzalez stated that he and followed the ambulance to Northwestern Hospital, while Officer Chudy rode in the ambulance. (Att. 80)

CONCLUSION AND FINDINGS:

This investigation includes the examination of multiple components of this event, as well as the use of deadly force by Sergeant Robert Walker. This includes the initial stop of Mr. [REDACTED] and the persons in his group, the various levels of force used against Mr. [REDACTED] by the responding officers, as well as their pursuit of him into [REDACTED]

As to the initial stop of Mr. [REDACTED] the available evidence shows that Officer Montilla and Kozlowski were on patrol, when they observed a group of people drinking in the public way. Having reasonable articulable suspicion that a violation of a law and/or city ordinance may be underway, the officers stopped to investigate. As the officers made contact with the group, they were able to further confirm that the persons were drinking alcoholic beverages. In fact, several of the persons' in Mr. [REDACTED] group verbally admitted that they were drinking alcohol. Through their investigation, the officers developed probable cause to support their belief that a law had been violated. Therefore, their further interaction with Mr. [REDACTED] and the persons in his group, was warranted.

As to the use of force employed by Officer Kozlowski, the available evidence shows that Mr. [REDACTED] was combative and non-compliant with Officers Montilla and Kozlowski, engaging in two separate physical altercations with Officer Kozlowski. Officers Montilla and Kozlowski, as well as civilian witnesses [REDACTED] and [REDACTED] described Mr. [REDACTED] lack of response to the officers' commands and the erratic and "strange" behavior he displayed prior to entering the residence located at [REDACTED]. In addition, Mr. [REDACTED] Officer Montilla, and Officer Kozlowski reported that Mr. [REDACTED] held his hands in his pocket. Officer Montilla believed Mr. [REDACTED] to be in possession of a firearm, and alerted responding officers, to include Sgt. Walker, of her observations.

Officer Kozlowski related that he used closed hand strikes and control holds in his effort to control Mr. [REDACTED] who was an active assailant as he attempted to strike Officer Kozlowski with his closed hands. Officer Kozlowski admitted that he, at one point, had Mr. [REDACTED] in a headlock. It is noted by the R/I that while the use of a chokehold is prohibited by CPD General Order 03-02-02, the actions described by Officer Kozlowski surmount to a control hold, as there was no effort to reduce Mr. [REDACTED] ability to breathe by effecting pressure on or about his neck.

Officer Kozlowski's physical contact with Mr. [REDACTED] was necessary and not excessive. Mr. [REDACTED] actions were consistent with that of an assailant, as defined by Chicago Police Department General Order 03-02-01 and 03-02-02. It is objectively reasonable that Officer Kozlowski was in fear of receiving a battery and/or injury. The level of force used by Officer Kozlowski, to include the hand strikes that he delivered and the control holds he used, was therefore appropriate and in accordance with CPD policy and the Use of Force Model.

As to the officers' pursuit of Mr. [REDACTED] into [REDACTED] Mr. [REDACTED] had

just committed a forcible felony in his Aggravated Battery to a Police Officer. Upon his arrival, Sgt. Walker made the determination to follow Mr. [REDACTED] into the residence. It is noted that such a short time had passed between Mr. [REDACTED] entering the home and the officers following him, that Mr. [REDACTED] had not yet reached the top of the staircase within the front foyer. It is reasonable that only moments had elapsed, thereby making the pursuit of Mr. [REDACTED] immediate and necessary. The officers were therefore justified to pursue Mr. [REDACTED] as he tried to escape arrest, Pursuant to the U.S. Supreme Court, the particular issue of a warrantless entry has been addressed, as the courts have held that "The Fourth Amendment does not require police officers to delay in the course of an investigation if to do so would gravely endanger their lives or the lives of others..." *Warden, Md. Penitentiary v. Hayden*, 387 U.S. 294, 298, 87 S. Ct. 1642, 1646, 18 L. Ed. 2d 782 (1967)

Further, regarding the issue of Mr. [REDACTED] fleeing into a private residence, the Supreme Court has clearly settled that issue as well. "By retreating into a private place, [the defendant] could not defeat an otherwise proper arrest that had been set in motion in a public place..." *United States v. Santana*, 427 U.S. 38, 38-39, 96 S. Ct. 2406, 2408, 49 L. Ed. 2d 300 (1976). Since there was a need to act quickly to protect the lives of the officers and others, there was a true "hot pursuit," and thus a warrantless entry to make the arrest was justified.

As to Officer Chudy's initial use of the taser, at the time he deployed it Mr. [REDACTED] had just fled into the residence after assaulting Officer Kozlowski. Mr. [REDACTED] had been an active assailant and was, at the moment he was tased, refusing to follow verbal commands and taking measures to further his escape, in an apparent attempt to defeat arrest. CPD Uniform and Property Order 04-02-04 allows a department member to use the taser when confronted with a subject who is classified as an assailant or active resister. In this particular instance, Mr. [REDACTED] had been an assailant and was actively resisting arrest through his flight and non-compliance. CPD General Order 03-03-02 defines an active resistor as one whose actions create distance between that person and the member's reach, with the intent to avoid physical control and/or defeat arrest. Given the provisions of U04-02-04 and the definitions outlined in GO 03-03-02, Officer Chudy's use of the taser was appropriate and within the policy of the Chicago Police Department.

As to Officer Chudy's subsequent use of the taser, at the time he deployed it Mr. [REDACTED] was moving towards Sgt. Burrell and other officers with an object in his raised left hand. Officer Chudy observed Mr. [REDACTED] making stabbing motions while holding the object and heard officers outside of the home yelling for Mr. [REDACTED] to, "drop it!" Believing Mr. [REDACTED] to be an active assailant who was still attempting to escape and defeat arrest, Officer Chudy utilized his taser. CPD Uniform and Property Order 04-02-04 allows a department member to use the taser when confronted with a subject who is classified as an assailant or active resister. In this particular instance, Mr. [REDACTED] was engaged in an apparent attack against the officers on the front porch of the residence. Furthermore, his actions were still consistent with that of an active resistor who is attempting to escape thought flight, as Mr. [REDACTED] was moving towards the exit of the residence. CPD General Order 03-03-02 defines an active resistor as one whose actions create distance between that person and the member's reach, with the intent to avoid physical control and/or defeat arrest. The same general order defines an assailant as a person who is using or threatening the imminent use of force against another person. Given the provisions of U04-02-04 and the definitions outlined in GO 03-03-02, Officer Chudy's use of the taser was appropriate

and within the policy of the Chicago Police Department.

As to Sgt. Burrell's use of his ASP baton, at the time he struck Mr. [REDACTED] Sgt. Burrell could see that Mr. [REDACTED] was armed with a cutting instrument. Sgt. Burrell articulated that he was able to see that Mr. [REDACTED] had a knife in his right hand. Sgt. Burrell related that he ordered Mr. [REDACTED] to drop the knife, but that Mr. [REDACTED] did not comply with his instruction. Sgt. Burrell used his baton to strike Mr. [REDACTED] in the arm, in an effort to disarm him. CPD General Order 03-03-02 allows a department member to use a baton to deliver direct mechanical strikes when confronted with a subject who is classified as an assailant. The same general order defines an assailant as a person who is using or threatening the imminent use of force against another person. Given the provisions and the definitions outlined in GO 03-03-02, Sgt. Burrell's use of the baton was appropriate and within the policy of the Chicago Police Department.

As to Sgt. Walker's use of deadly force, upon arrival, Sgt. Walker, Sgt. Burrell, and Officer Chudy proceeded to the second floor of the apartment building, where Mr. [REDACTED] continued to be non-compliant with their verbal commands. Due to his lack of compliance and furtive movements to his waistband, Officer Chudy deployed his taser at Mr. [REDACTED] in order to prevent anyone from being harmed or injured. As the taser was ineffective, Mr. [REDACTED] fled through the second floor apartment and down into the first floor apartment. Once Mr. [REDACTED] exited Mr. [REDACTED] apartment, he was in the process of exiting the front door where he was met by Sgt. Burrell and Officer Montilla, who, along with other witness officers, reported that Mr. [REDACTED] held an object in his hand, making stabbing motions.

Sgt. Walker observed this perceived attack by Mr. [REDACTED] against the officers standing in his path of escape. Sgt. Walker articulated that he believed Mr. [REDACTED] posed a real and immediate threat to the officer's attempting to apprehend him when Mr. [REDACTED] took his right hand out of the inside of his pants and brandished a shiny object, raising it towards the officers in front of him. Sgt. Walker elected to use deadly force against t Mr. [REDACTED] in order to protect the lives of his fellow officers. Sgt. Walker discharged his firearm one time, striking Mr. [REDACTED] in the thigh.

Simultaneous to Sgt. Walker discharging his firearm, Officer Chudy, who was descending the second floor apartment, observed Mr. [REDACTED] actions and discharged his taser, striking Mr. [REDACTED] in the back. Even after being shot and tased, it was reported that Mr. [REDACTED] continued to resist arrest by flailing his arms, at one point positioning his hands under his body to prevent officers from handcuffing him.

Throughout the course of his contact with the police on the date of this incident, Mr. [REDACTED] was physically and verbally combative with the officers attempting to detain him. Mr. [REDACTED] behavior and posturing led Officer Montilla to believe that he was armed with a firearm, an observation she relayed to responding police officers, of whom was Sgt. Walker.

Upon their arrival, Sgt. Walker, Sgt. Burrell, and Officer Chudy attempted to reason with Mr. [REDACTED] instructing him to show his hands and surrender himself. By all accounts, Mr. [REDACTED] was not only non-compliant, but made furtive movements to his waistband that furthered the officer's reasonable apprehension that he may be armed with a weapon.

An attempt to use a less lethal amount of force by Officer Chudy, via his taser, to control

Mr. [REDACTED] failed and Mr. [REDACTED] fled from the officers once again. When Mr. [REDACTED] was stopped by the officers blocking his path at the front of the home, he displayed a knife, in an apparent attempt to use the weapon to defeat their attempts to arrest him.

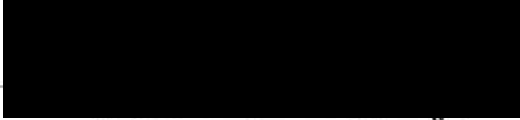
Having only seconds to react, Sgt. Walker fired his weapon at Mr. [REDACTED] in order to prevent him from causing great bodily harm, or death, to the officers attempting to detain him. The immediacy of Sgt. Walker's actions, and the pace at which this event occurred, is supported, in part, by the evidentiary evaluation of Officer Chudy's taser download. It is noted that only 17 seconds passed between Officer Chudy's first, ineffective, deployment of his taser at the entry to the second floor apartment, and his final, successful, deployment at the front entrance to the home.

Although Ms. [REDACTED] [REDACTED] reported that she informed the officers that Mr. [REDACTED] had a mental health condition, said statement was not reported by any other witness to include officers and civilian witnesses to the incident. Sgt. Burrell stated that it was not until the conclusion of the events that Ms. [REDACTED] reported that Mr. [REDACTED] suffered from a mental illness.

It is also to be noted that Mr. [REDACTED] pled guilty to charges stemming from this incident and was sentenced to four years in the Illinois Department of Corrections.

Based on the totality of the facts and circumstances, the R/I finds that an officer with similar training and experience as Sgt. Walker would reasonably believe that Mr. [REDACTED] posed an immediate threat to the officers attempting to detain him. The R/I finds that the use of deadly force by **Sgt. Walker** is therefore objectively reasonable and **Within Policy** as outlined by the Use of Force Model; the Illinois State statute; and the Chicago Police Department's General Order 03-02-03, III.

SIGNATURES ONLY:



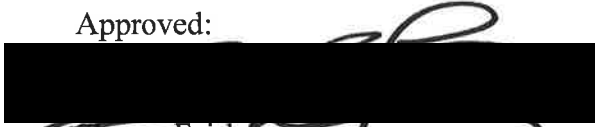
Inv. Chantall Morley, #158

Approved:



Supervisor, IPRA

Approved:



Sharon Fairley
Chief Administrator, IPRA