

TO: Chief Administrator
Independent Police Review Authority

FROM: Inv. Chantall Morley #159

SUBJECT: Log #1079728
U #16-003

REFERENCE: RD #HZ193832, Battery- Agg. PO: Other Dangerous Weapon,
Assault- Agg. PO: Other Dangerous Weapon, Narcotics- Poss:
Cannabis 30 gms Or Less

DATE/TIME: 19 March 2016, 2230 hours

LOCATION: [REDACTED] (Sidewalk)

INVOLVED OFFICER: ROLDAN, Giovanni.; Chicago Police Officer, Star #12457; Unit 019; Hispanic male; Employee # [REDACTED]; DOB: [REDACTED] 1979; DOA: 29 April 2002; Off-duty; Casual dressed.

OFFICER'S WEAPON: Smith & Wesson 5943 Tactical; 9mm semi-automatic pistol; Serial # [REDACTED]; City Registration # [REDACTED]; FOID # [REDACTED]; Winchester 9mm Luger + P ammunition; 12 live rounds recovered from magazine, 1 live round recovered from the chamber; listed weapon capacity of 15 rounds; Fired two (2) times according to the Tactical Response Report (TRR).

OFFICER'S INJURIES: Struck on left arm with a baseball bat.

SUBJECT: [REDACTED] Hispanic male; DOB [REDACTED] 1983; [REDACTED] and/or [REDACTED].

SUBJECT'S WEAPON: Baseball bat.

SUBJECT'S INJURIES: Multiple gunshot wounds.

SUBJECT: [REDACTED]; Hispanic male; DOB [REDACTED] 1998; [REDACTED].

SUBJECT'S WEAPON: N/A

**SUBJECT'S
INJURIES:** N/A

IPRA

NOTIFICATIONS: Chief Administrator Sharon Fairley
Deputy Chief Administrator Mark Grba
Director of Community Outreach and Engagement Larry Merritt
Supervising Investigator Sherry Daun
Investigator Chantall Morley
Investigator Caterina Oliveri

**TIME OF IPRA
NOTIFICATION:** 11:08 p.m.

**TIME OF IPRA
RESPONSE:** 11:45 p.m.

SUMMARY OF INCIDENT

On March 19, 2016 at approximately 10:20 p.m., Officer Roldan was walking to his parked car near his [REDACTED] house. While he was walking, Officer Roldan encountered a young male, [REDACTED] standing near the apartment building where he lived. Officer Roldan and Mr. [REDACTED] began arguing with each other and Officer Roldan observed Mr. [REDACTED] reach for his waistband. Officer Roldan unholstered his service weapon and began searching Mr. [REDACTED]. Officer Roldan also called 911 to report the incident. Mr. [REDACTED] stated that Officer Roldan told Mr. [REDACTED] that Officer Roldan was a police Officer but Mr. [REDACTED] did not believe him.

While this was occurring, Mr. [REDACTED] family heard yelling from inside their apartment and exited the apartment building. Mr. [REDACTED] family began yelling at Officer Roldan and requested that he let go of Mr. [REDACTED]. Mr. [REDACTED] was inside the apartment building and learned that Mr. [REDACTED] was being held at gun point outside the building by an unknown male. Mr. [REDACTED] ran outside of the apartment building with a baseball bat and swung it at Officer Roldan. Officer Roldan blocked the bat with his forearm and then discharged his firearm two times, striking Mr. [REDACTED] in the abdomen and thigh.

INVESTIGATION

IPRA obtained relevant video, forensic, and documentary evidence associated with this incident. Additionally, IPRA interviewed witnesses, [REDACTED] [REDACTED] [REDACTED] and [REDACTED] who witnessed various aspects of this incident. IPRA also interviewed involved Police Officer, Giovanni Roldan.

The following are summaries of the relevant evidence obtained in this investigation:

Civilian Interviews

In an interview with IPRA on March 20, 2016, Witness ██████ stated that he lived at ██████ with his family and that he was seventeen years old. On March 19, 2016, Mr. ██████ was standing on the sidewalk outside of his home and talking to his girlfriend on the phone. Mr. ██████ was outside because it was 10:30 p.m. and he did not want to wake people who were sleeping in his family's apartment.

Mr. ██████ got into an argument with his girlfriend and raised his voice. At that time, a male individual, Officer Roldan, was walking past Mr. ██████ on the sidewalk while he was cursing at his girlfriend on the phone. Mr. ██████ stated that it was likely that Officer Roldan thought Mr. ██████ was cursing at Officer Roldan because Officer Roldan likely did not see that Mr. ██████ was on the phone. Mr. ██████ did not state any gang slogans toward Officer Roldan and Mr. ██████ denied being in a gang. Officer Roldan walked approximately five feet away from him and then looked back at Mr. ██████. Mr. ██████ approached Officer Roldan and asked Officer Roldan what he was looking at and told him to mind his own business. Officer Roldan told Mr. ██████ that he was an off-duty police Officer. Mr. ██████ did not believe Officer Roldan because he did not have a uniform, badge, or squad car. Mr. ██████ said that he thought that Officer Roldan was drunk. Mr. ██████ told Officer Roldan, "you ain't a police Officer."

Mr. ██████ ended the call with his girlfriend and continued telling Officer Roldan to mind his own business. Officer Roldan continued walking away from Mr. ██████ and Mr. ██████ then attempted to enter his apartment building but the exterior door was locked. Mr. ██████ stayed at the front of the building and attempted to call his girlfriend back but she did not answer.

Mr. ██████ next observed Officer Roldan walking back toward Mr. ██████ outside of Mr. ██████ apartment building. Mr. ██████ estimated that Officer Roldan left the area for approximately four minutes before returning. Mr. ██████ said that he believed that Officer Roldan left to get his gun and then returned. When Officer Roldan reappeared, Mr. ██████ was still standing on the entry door step to his apartment building and Officer Roldan stood in front of Mr. ██████ on the walkway connected to the entry door step.

Mr. ██████ observed Officer Roldan pull out a gun and aim it toward the ground. Officer Roldan began telling Mr. ██████ to repeat everything that he had said to Officer Roldan in their exchange that had occurred several minutes prior. Mr. ██████ turned around and began ringing his doorbell while also putting his hands up. Mr. ██████ came to the door of the building and asked Mr. ██████ why his hands were up. Mr. ██████ told her that Officer Roldan had a gun. Mr. ██████ stated that his ██████ "overreacted" and began yelling and Mr. ██████ and neighbors came out of their apartments. At this time, Mr. ██████ observed Officer Roldan using his cell phone to call dispatch and heard Officer Roldan communicating codes to the dispatcher. Throughout this interaction, Officer Roldan was not touching Mr. ██████.

Mr. ██████ then observed his ██████, ██████ and his ██████ exit the apartment building from Mr. ██████ apartment which was also in the same apartment building as Mr. ██████ apartment. Mr. ██████ had a baseball bat resting on his shoulder. Mr.

█████ told Mr. █████ that Officer Roldan had a gun and Mr. █████ gripped the bat with both hands and approached Officer Roldan. Mr. █████ observed Officer Roldan back away from him toward the grass between the walkway in the road. Mr. █████ began to swing at Officer Roldan when Mr. █████ heard three gunshots in succession. Mr. █████ did not observe specifically what occurred between Mr. █████ and Officer Roldan because Mr. █████'s back was turned to Officer Roldan. After the gunshots, Mr. █████ observed Mr. █████ run back into the building and sit down while putting pressure on his wound. Mr. █████ began yelling at Officer Roldan and asking whether Officer Roldan was also going to shoot him. Mr. █████ observed Officer Roldan again speaking on his cell phone. Mr. █████ stated that he was extremely upset that Officer Roldan shot Mr. █████ and he directed several profanities at Officer Roldan, to include words to the effect of, "fuck you, you ain't no cop, if you're a cop shoot me."¹

Mr. █████ entered his apartment building with his family and approximately ten minutes later, two officers entered the building, put Mr. █████ in handcuffs, and took him to a squad car. Mr. █████ said that the officers found marijuana in Mr. █████'s pocket. Mr. █████ also stated that he had drunk approximately one half of a 40-ounce beer prior to the incident with officer Roldan. (Atts. 52, 53)

In an interview with IPRA on March 20, 2016, Witness █████ stated that she was fifteen years old and lived at █████ with her █████ (█████ her █████ (█████ her █████ (█████ her █████, and her █████. On the evening of March 19, Ms. █████ was in her bedroom when she heard her █████ say that █████ was outside yelling. Ms. █████ and her █████ both exited their apartment. Mr. █████ stayed at the top of the stairs near the apartment door and Ms. █████ exited the building.

From the exterior doorway, Ms. █████ observed her █████ being held by a male by his neck, with his face against the brick wall of the apartment building. Ms. █████ described the officer positioning as similar to when an Officer places a subject against a wall prior to searching the subject. The male, Officer Roldan, had a gun in his right hand and his left hand was on Mr. █████'s neck. Officer Roldan also had a cell phone against his ear. The gun in Officer Roldan's hand was colored and had a design; Ms. █████ was not sure what the gun was when she first observed it. Officer Roldan told Ms. █████ that he was an off-duty Officer but Ms. █████ said that she did not believe him. Ms. █████ said that Officer Roldan never showed his badge or told them his name.

At this time, Mr. █████ was not cooperating with Officer Roldan but he was not trying to hit Officer Roldan. Mr. █████ began to panic and told Ms. █████ that Officer Roldan thought that Mr. █████ had a gun. Mr. █████ also directed her to call their █████. Ms. █████ began yelling at Officer Roldan to let go of Mr. █████. Officer Roldan told Ms. █████ "grab him, he's drunk," but Officer Roldan would not release Mr. █████ from his grasp.

According to Ms. █████ she tried to pull Mr. █████ away from Officer Roldan, eventually getting out of Officer Roldan's grasp and moved to the grassy area near the apartment building. Officer Roldan followed him and lifted his gun "a little higher", but he was not pointing

¹ Statement of █████ Att. --, page 4, lines 30-32.

the gun at anybody. Officer Roldan was still holding Mr. [REDACTED] by the shirt when Mr. [REDACTED] pulled away, causing Officer Roldan to drop his cellular phone.

At that time, Ms. [REDACTED] cousin, [REDACTED] came out of the apartment building with a wooden bat. Mr. [REDACTED] swung the bat and hit Officer Roldan but Ms. [REDACTED] did not personally observe the bat strike Officer Roldan. Officer Roldan tried to avoid being hit by the bat and, as a result, released his grasp on Mr. [REDACTED]. Officer Roldan attempted to block the bat and Ms. [REDACTED] believed that Officer Roldan was struck by the bat on his shoulder. Ms. [REDACTED] also thought that Mr. [REDACTED] swung the bat with one hand. As Mr. [REDACTED] swung the bat, Officer Roldan "turn[ed] around" trying to "block himself" and as he turned back around towards Mr. [REDACTED] Officer Roldan fired two shots in succession. Ms. [REDACTED] stated that it did not appear that Officer Roldan was aiming his gun when he fired two shots but "shot wherever." Ms. [REDACTED] described Officer Roldan's aim as "sloppy."

Ms. [REDACTED] said that Mr. [REDACTED] was shot twice. Mr. [REDACTED] was approximately one foot to one and one-half feet from Officer Roldan when Mr. [REDACTED] was shot. After he was shot, Mr. [REDACTED] dropped the bat and ran inside the apartment building holding himself. Mr. [REDACTED] became very angry after Mr. [REDACTED] was shot and he began cursing at Officer Roldan. Officer Roldan began pointing his gun at Mr. [REDACTED] and directed Mr. [REDACTED] to get on the ground stating: "I'll shoot you, get on the ground." Prior to Mr. [REDACTED] being shot, Ms. [REDACTED] did not observe Officer Roldan pointing the gun at anyone.

Mr. [REDACTED] laid flat on the ground but continued yelling at Officer Roldan. Many of Ms. [REDACTED] neighbors came outside after they heard the gunshots. Moments later, several police officers arrived on the scene. Ms. [REDACTED] noticed that Officer Roldan's tone and volume became much louder and more aggressive after the other officers arrived on the scene. The officers took Mr. [REDACTED] to the police station and Mr. [REDACTED] was placed in an ambulance. (Att. 57, 68)

In an **interview with IPRA** on March 20, 2016, **Witness [REDACTED]** stated that she lived at [REDACTED] with her [REDACTED], and [REDACTED]. On March 19, 2016, Ms. [REDACTED] arrived home and told Ms. [REDACTED] that her [REDACTED], [REDACTED] was outside talking on his cell phone and that he was drunk. Mr. [REDACTED] told Ms. [REDACTED] that she should bring Mr. [REDACTED] inside because of the bad neighborhood but Ms. [REDACTED] did not attempt to bring Mr. [REDACTED] into their apartment.

Fifteen to twenty minutes later, at approximately 10:30 p.m., Ms. [REDACTED] observed her [REDACTED], [REDACTED] look out of an apartment window and state that there was a man outside holding Mr. [REDACTED] by the throat. Ms. [REDACTED] could also hear Mr. [REDACTED] arguing with someone outside. Ms. [REDACTED] exited her apartment and walked to the exterior door of her apartment building. There she observed Officer Roldan holding Mr. [REDACTED] by the neck, against the brick wall of the apartment building. Mr. [REDACTED] back was against the brick wall as Officer Roldan held him.

Ms. [REDACTED] did not know that Officer Roldan was a police officer and he did not show a badge. Ms. [REDACTED] recalled Officer Roldan talking on his cell phone and communicating numbers into the phone but Officer Roldan never identified himself to her as a police officer. Ms. [REDACTED]

also recalled telling Officer Roldan that she was going to call the news, or someone that investigates officer's conduct to report him. Ms. ██████ said that her goal in stating this to Officer Roldan was to scare him away.

During the altercation, Ms. ██████ noticed that Mr. ██████ was intoxicated. Mr. ██████ appeared agitated and was arguing with Officer Roldan. Mr. ██████ told Officer Roldan, "shoot me if you want." Ms. ██████ and ██████ told Mr. ██████ to be quiet and to get inside. At one point, Mr. ██████ got out of Officer Roldan's grasp and they both moved to a grassy area near the apartment building. Ms. ██████ continued attempting to bring Mr. ██████ into the apartment building and ripped Mr. ██████ shirt near the collar. Ms. ██████ also recalled her neighbors looking outside because they likely heard the yelling.

At this point, Ms. ██████ had been outside attempting to get Mr. ██████ inside the apartment building for approximately "ten minutes." Ms. ██████ did not observe Officer Roldan holding a gun throughout these ten minutes and if she had seen Officer Roldan holding a gun, she would have screamed.

According to Ms. ██████ "all of a sudden," her nephew, Mr. ██████ ran out of the apartment building. Ms. ██████ said that Officer Roldan fired two shots at Mr. ██████ when Mr. ██████ was approximately ten feet from Officer Roldan. After being shot, Mr. ██████ ran back into the apartment building. Ms. ██████ did not hear any words exchanged between Mr. ██████ and Officer Roldan. Ms. ██████ later saw a wooden bat lying on the ground outside of the apartment building but Ms. ██████ did not see the bat prior to the shooting. Ms. ██████ also observed Officer Roldan holding a black gun after she heard the gunshots. Less than five minutes after Mr. ██████ was shot, several police officers arrived on the scene. The officers handcuffed Mr. ██████ and took him to the police station. Mr. ██████ was placed into an ambulance. (Att. 60, 69)

In an **interview with IPRA** on July 1, 2016, **Witness ██████** stated that he was thirteen years old and lived at ██████ with his ██████, ██████ and ██████. On March 19, 2016, Mr. ██████ was in his living room when he heard his ██████, ██████ speaking outside. Mr. ██████ looked out his window and saw ██████ against the exterior wall with a male holding him by the back of the neck. Mr. ██████ also observed that the male, Officer Roldan, was holding something in his hand and seemed to be speaking to somebody on a cell phone. Officer Roldan's gun did not appear to be a police officer's gun and Mr. ██████ did not think that Officer Roldan was a police officer.

Mr. ██████ called for his cousin, ██████ to show her what was occurring outside. Ms. ██████ exited the apartment and went outside near Officer Roldan. Ms. ██████ began yelling at Officer Roldan. As the yelling occurred, Ms. ██████ told Mr. ██████ to get their ██████, ██████. Mr. ██████ alerted ██████ and she also exited the apartment and walked outside near Officer Roldan. ██████ joined ██████ in telling Officer Roldan that ██████ lived there and that Officer Roldan should let him go. ██████ also grabbed ██████ in an attempt to get him inside the building. Mr. ██████ could tell that ██████ was scared.

As this was occurring, Mr. ██████ attempted find his ██████ Mr. ██████ to help alleviate the situation. Mr. ██████ lived in another apartment in the same apartment building as Mr. ██████. Mr. ██████ entered Mr. ██████ apartment and told Mr. ██████ that "some guy had a gun up to ██████ And I'm afraid that he's gonna shoot him." Mr. ██████ went back outside and moments later, Mr. ██████ came outside carrying a bat. Mr. ██████ used two hands to swing the bat at Officer Roldan. Mr. ██████ did not lift the bat above his head but swung it at shoulder level. Officer Roldan turned around, put his arm up, and shot at Mr. ██████. Mr. ██████ stated that Officer Roldan "didn't even aim or anything, he just shot all crazy." When Officer Roldan discharged his firearm, he was standing on both feet. (Att. 78, 80)

After the gunshots, Mr. ██████ ran back into the building and was bleeding. Everybody was screaming and Officer Roldan threatened to shoot ██████. Mr. ██████ next observed ██████ lying on the ground while Officer Roldan had his gun aimed at ██████. Officer Roldan told everyone to "shut up or I'll shoot, I'll shoot again." During this altercation, Mr. ██████ never heard Officer Roldan identify himself as a police officer.

In an **interview with IPRA** on March 21, 2016, **Witness ██████** stated that she was 45 years old and lived at ██████. On March 19, 2016, Ms. ██████ helped her ██████, Officer Roldan, move into his new home. When she finished, she went home to her apartment to change clothes. Ms. ██████ and Officer Roldan made plans to have a drink later that night. Hours later, Officer Roldan was leaving his ██████ house and he called Ms. ██████ on his cell phone to coordinate transportation to the bar. According to Ms. ██████ call log, the call was initiated at 10:19 p.m.

While on the phone, Officer Roldan told Ms. ██████ that he was walking outside near his ██████ house. At one point, Ms. ██████ heard Officer Roldan speaking to an unknown male. Officer Roldan stated, "I'm not a kid, I'm not a gang banger." Officer Roldan continued speaking to Ms. ██████ and then Officer Roldan repeated himself to the male. Officer Roldan asked the male, "do you know who I am" and Ms. ██████ could hear the male mumbling in the background. Ms. ██████ said that she could tell that the male was "drunk, high or something." The male then asked Officer Roldan what he was doing in that area and Officer Roldan responded that he lived there. The male told Officer Roldan that he did not like him standing there and Officer Roldan basically told him to go away. Ms. ██████ also heard the male ask Officer Roldan who he was talking to on the phone and Officer Roldan responded, "they don't wanna talk to you."

Officer Roldan continued his conversation with Ms. ██████ and then Ms. ██████ heard Officer Roldan tell the male, "I'm not a punk." Officer Roldan stated, "do you know who I am? I am a police officer." Ms. ██████ heard officer Roldan identify himself as an Officer two or three times to the male.

Ms. ██████ believed that Officer Roldan was trying to defuse the situation because she heard him attempting to keep everything calm. Ms. ██████ knew that the situation was going to escalate based on the male's tone and because of the bad neighborhood where this conversation was occurring. Officer Roldan told Ms. ██████ that he would talk to her later and ended the call. Based on Ms. ██████ phone log, the call was six minutes long. At 11:02 p.m., Ms. ██████

received a call from her aunt who had heard shots fired outside of her house. Ms. [REDACTED] later learned that Officer Roldan had been involved in a shooting incident. (Att. 64, 65)

Police Officer Interviews

In an **interview with IPRA** on June 17, 2016, **Involved Shooting Officer Giovanni Roldan, #12457**, stated that on March 19, 2016, he was off-duty on his regular day off. Officer Roldan had recently purchased a home and was in the process of moving. Officer Roldan had borrowed his friend's truck to move his belongings from his storage unit to his new home. His [REDACTED], [REDACTED] assisted him during the day.

After he finished moving his belongings, Officer Roldan drove to his [REDACTED] house, which is he was living at the time. The residence is located at [REDACTED]. Officer Roldan ate dinner and left the residence at approximately 10:00 p.m. to meet with his [REDACTED], Ms. [REDACTED]. Officer Roldan began walking towards his vehicle that was parked two blocks away from his [REDACTED] residence. Officer Roldan called Ms. [REDACTED] as he was walking toward his vehicle.

As Officer Roldan was walking, he observed a young male, who was also talking on his phone, at the corner of Monitor and Schubert. The male, later identified as [REDACTED] was approximately 5'6" and 150 pounds. Mr. [REDACTED] asked Officer Roldan who he was talking to and Officer Roldan told Mr. [REDACTED] it was not any of his concern. Mr. [REDACTED] asked "whadda you be about" which Officer Roldan understood as Mr. [REDACTED] asking Officer Roldan his gang affiliation. Officer Roldan told him that he was a policeman and Mr. [REDACTED] stated, "I don't give a fuck wahtchu are, you could die like the rest of 'em." Officer Roldan said that Mr. [REDACTED] appeared to be under the influence of a narcotic and had an angry demeanor.

During this conversation, Mr. [REDACTED] was approximately two arm lengths away from Officer Roldan and was blocking Officer Roldan's path on the sidewalk. At this point, Officer Roldan ended his phone call with Ms. [REDACTED]. Mr. [REDACTED] reached then for his waistband and Officer Roldan told Mr. [REDACTED] "let me see your hands." Mr. [REDACTED] did not follow verbal direction and continued grabbing for his waistband. Officer Roldan drew his firearm from his holster on his right-side hip. Officer Roldan's firearm was his service weapon which was loaded with authorized ammunition.

Officer Roldan grabbed Mr. [REDACTED] and placed him against the wall of the apartment building on the corner. Mr. [REDACTED] was facing toward the wall and Officer Roldan began searching him. Officer Roldan did not find any weapons. Mr. [REDACTED] was irate and Officer Roldan told him to calm down. Officer Roldan holstered his weapon to call 911. As Officer Roldan was speaking to the 911 dispatcher, Mr. [REDACTED] pressed a doorbell button on the side of the building multiple times. Mr. [REDACTED] also began calling for somebody, by name, who Mr. [REDACTED] seemed to believe was inside the apartment building.

Seconds later, an older female and a young female exited the building screaming. Officer Roldan told them to calm down and that he was an off-duty police officer. Both females were yelling "call the cops" and "let him go." Officer Roldan also recalled the older female yelling that the police had already killed one of her sons and she would not let them kill another. At this time,

there was a crowd of people gathering from every direction. Officer Roldan recalled individuals opening windows of the building and throwing objects at him. Officer Roldan estimated that there were twenty to thirty people gathered around him. In this commotion, the females took Mr. [REDACTED] from Officer Roldan's grip. Mr. [REDACTED] began hitting his chest and repeatedly telling Officer Roldan to kill Mr. [REDACTED]

Officer Roldan was focused on Mr. [REDACTED] when, out of the corner of his eye, Officer Roldan saw a male run out of the apartment building raising a baseball bat above his head in a "tomahawk motion." Officer Roldan put up his forearm to brace for the impact and the male, later identified as Mr. [REDACTED] struck Officer Roldan with the wooden baseball bat. Officer Roldan was struck with the baseball bat more than once.

Officer Roldan fell to the ground, to a knee position, and observed Mr. [REDACTED] charging at him again with the baseball bat. Officer Roldan told him to put the bat down but Mr. [REDACTED] did not listen to his command. Officer Roldan felt reasonable fear for his life and fired two rounds. Officer Roldan stated that he only fired twice because he did not want to kill Mr. [REDACTED]

Mr. [REDACTED] ran back into the apartment building and Officer Roldan could no longer see him. Officer Roldan also heard the baseball bat hit the ground. Officer Roldan again called 911 and reported that he was an off-duty police officer. He reported a 10-1 and police officers arrived at the scene several minutes later. When they arrived, Officer Roldan dropped his weapon and announced that he was a police officer. The responding officers took Officer Roldan to the ambulance and shortly thereafter, Officer Roldan observed Mr. [REDACTED] walking out of the building holding his side.

Officer Roldan was taken to Northwestern Hospital. Officer Roldan suffered contusions to his wrist and a slightly dislocated shoulder. At the time of the interview, Officer Roldan was listed as IOD "Injury on Duty." (Att. 73, 74)

Video & Audio Evidence

None of the **in-car cameras** from responding vehicles captured any video of the shooting. At the time of the incident, none of the responding officers were equipped with body worn cameras. (Atts. 38, 39)

The **Office of Emergency Management and Communication (OEMC) Event Queries** and **Police Radio Transmissions** were collected and made part of this case file. The following is a summary of the relevant audio recordings. At approximately 22:27 hours, Officer Roldan dialed 911 and reported a male Hispanic, with curly hair and dressed in blue jeans and black jacket, standing at the corner of 2644 N. Monitor flashing gang signs at vehicles and asking him what gang he [Officer Roldan] belongs to. At approximately 22:30 hours, Officer Roldan dialed 911 and requested officers at Schubert and Monitor. Several individuals are heard yelling in the background. One male individual is heard yelling, "shoot me, bro... Shoot me... Shoot me". Two shots are fired and the officer reports shots fired by the police. Subsequent telephone calls were made to 911 to report the incident and to request an ambulance. Furthermore, **Police Radio transmissions** document that a male was shot in the stomach. (Att. 18)

Forensic Evidence

Illinois State Police (ISP) Forensic Science Laboratory Report dated 25 May 2016, documents the examination of Officer Roldan's gun, a Smith & Wesson, model 5943 TSW, 9mm Luger caliber semi-automatic pistol, serial # [REDACTED], and a gun magazine, and found that it was operable. The report also documents two 9mm caliber fired cartridge cases, which were tested and determined to have been fired from Officer Roldan's firearm. A report dated July 28, 2016 documents the examination of the baseball bat recovered from the scene. No blood was found on the baseball bat. The Laboratory did find damage to the construction of the bat. A report dated March 29, 2017 documents DNA tests collected from the baseball bat recovered at the scene. The primary DNA profile collected from the baseball bat matched the DNA profile of Mr. [REDACTED] (Atts. 82, 83, 88)

Evidence Technician Photographs depict the scene, evidence collected from the scene, Mr. [REDACTED] clothes, Mr. [REDACTED] injuries, Mr. [REDACTED] baseball bat, and Officer Roldan's injuries. (Att. 71)

Medical Reports

A **Chicago Fire Department Ambulance Report** documents that an ambulance arrived at the scene on March 19, 2016 at 10:40 p.m. They reported [REDACTED] had one gunshot wound to his right upper quadrant and two wounds to the back. Mr. [REDACTED] also complained of severe pain in his abdomen. Paramedics treated Mr. [REDACTED] and departed the scene with the individual at 10:45 p.m. (Att. 11)

A **Chicago Fire Department Ambulance Report** documents that Ambulance 68 arrived at the scene on March 19, 2016 at 10:45 p.m. They reported Officer Roldan with pain in his left arm because someone had swung a bat at him. Paramedics from Ambulance 68 treated Officer Roldan and departed the scene with the individual at 11:18 p.m. Officer Roldan was transported to Northwestern Hospital and arrived there at 11:56 p.m. (Att. 10)

Medical Records from Advocate Illinois Masonic Medical Center document that on March 19, 2016, Mr. [REDACTED] received treatment for gunshot wounds to the right upper quadrant of his abdomen and right thigh. (Att. 87)

Medical Records from Northwestern Memorial HealthCare document that on March 19, 2016, Officer Roldan received treatment to his left forearm. Officer Roldan did not suffer a fracture or dislocation. Officer Roldan did have soft tissue swelling of his forearm. (Att. 90)

Other Documentary Evidence

A **Tactical Response Report (TRR)** completed by **Officer Roldan** documents that Mr. [REDACTED] presented an imminent threat of battery, attacked with a weapon, and used force likely to cause death or great bodily harm with a weapon. Officer Roldan responded with member's presence, verbal commands, and the discharge of his firearm. Officer Roldan discharged his firearm two (2) times. (Att. 8)

The **Officer's Battery Report (OBR)** completed by **Officer Roldan** documents that he was off-duty, in citizen's dress, at approximately 2230 hours, in the vicinity of [REDACTED]. The subject struck Officer Roldan with a baseball bat. Officer Roldan sustained non-fatal injuries. (Att. 9)

The **CPD's Major Incident Notification (MIN) Report** contains information identified and obtained in the preliminary stages of the investigation. (Att. 45)

The **Detective Supplementary Reports** provide details consistent with other department reports and statements provided to IPRA personnel. It is also noted in the Detective Supplementary Report, dated June 2, 2016, that Electronically Recorded Interviews (ERIs)² were taken of [REDACTED] and [REDACTED] on March 20, 2016. (Atts. 93, 95, 96)

[REDACTED]

Investigator Chantall Morley

Approved:

N/A PER TARRANT #5
Deputy Chief Administrator

² It is to be noted that the R/I did not request the ERIs as the detective supplementary report provided a detailed summary of each of their interviews. The interviews provided to detectives are consistent with the interviews provided to IPRA personnel.

ANALYSIS

Based on the totality of the circumstances, Officer Giovanni Roldan's use of deadly force against ██████████ was objectively reasonable, and therefore, Within Department policy. A preponderance of evidence demonstrates that Mr. ██████████ presented an imminent threat of death or great bodily harm to Officer Roldan because Mr. ██████████ had swung a baseball bat at Officer Roldan, striking Officer Roldan in the forearm. As such, the use of deadly force by Officer Roldan against Mr. ██████████ was objectively reasonable and, therefore, within Department policy as outlined by the Chicago Police Department's General Order 03-02-03, II; and the Illinois State statute. Officer Roldan's use of force also complied with applicable constitutional standards.

CPD Policy, Illinois State Statute, & Constitutional Standards

The applicable Chicago Police Department's General Order is 03-02-03, II, which states that 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.

In addition, the use of deadly force is codified under 720 ILCS 5/7-5 (1986). The pertinent part of the statute states that:

...a peace Officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to affect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person...

Finally, determinations regarding the potential use of excessive force in the course of an arrest, investigatory stop, or other seizure are properly analyzed under the Fourth Amendment's objective reasonableness standard. The question is whether the Officer's actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Graham v. Connor*, 490 U.S. 386, 397 (1989). See *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003). The following factors are

instructive in making the determination of whether an Officer's use of force is reasonable: (1) "the severity of the crime at issue;" (2) "whether the suspect poses an immediate threat to the safety of the Officers or others;" and (3) whether he is actively resisting arrest or attempting to evade arrest by flight." *Graham*, 490 U.S. at 396 (citing *Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985)). This reasonableness calculation "must embody allowance for the fact that Police Officers are often forced to make split second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham*, 490 U.S. at 396-97. Consequently, "when an Officer believes that a suspect's actions [place] him, his partner, or those in the immediate vicinity in imminent danger of death or serious bodily injury, the Officer can reasonably exercise the use of deadly force." *Muhammed v. City of Chicago*, 316 F.3d 380, 383 (7th Cir. 2002) (quoting *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir. 1988) (en banc) (omitting emphasis)).

Officer-Involved Shooting

There is a preponderance of evidence showing that Officer Roldan reasonably believed that deadly force was necessary to prevent Mr. [REDACTED] from causing death or bodily harm to Officer Roldan. During the altercation between Officer Roldan and Mr. [REDACTED] Officer Roldan briefly observed Mr. [REDACTED] run towards him from a side angle and swing a baseball bat at Officer Roldan. Officer Roldan attempted to block the baseball bat and it struck Officer Roldan in the arm. Officer Roldan believed that Mr. [REDACTED] was going to strike him again with the baseball bat and Officer Roldan discharged his firearm to prevent Mr. [REDACTED] from causing Officer Roldan additional bodily harm with the baseball bat.

Prior to Mr. [REDACTED] striking Officer Roldan, Officer Roldan stated that he had unholstered his service weapon but he did not point the weapon at Mr. [REDACTED] or anyone else that was involved in the incident. This was corroborated by the statement of [REDACTED] who stated that she never witnessed Officer Roldan point the firearm at anyone until Mr. [REDACTED] was shot. Further, [REDACTED] stated that she never observed Officer Roldan's gun prior to the shooting of Mr. [REDACTED]

Further, Officer Roldan repeatedly stated that he was a police officer prior to Mr. [REDACTED] involvement. [REDACTED] and [REDACTED] both stated in their interviews that they heard Officer Roldan identify himself as a police officer. [REDACTED] also stated in her interview that she attempted to scare Officer Roldan when she told him that she was going to call the news, or someone that investigates police officer misconduct. It is unlikely that [REDACTED] would have made this statement if she did not also hear Officer Roldan identify himself as the police. Further, all three of these eyewitnesses heard Officer Roldan on his cell phone communicating codes which sounded similar to police codes.

Mr. [REDACTED] exited the apartment building seemingly unaware that Officer Roldan was a police officer. Despite his supposed lack of knowledge, Mr. [REDACTED] did not have the right to strike Officer Roldan with the baseball bat because Officer Roldan did not have his gun pointed at Mr. [REDACTED] or any other individual. Further, in the brief seconds that Mr. [REDACTED] was outside the apartment building, it is possible that he did not observe the gun in Officer Roldan's possession

because [REDACTED] did not observe Officer Roldan's gun in the ten minutes that she was involved in the altercation.

Officer Roldan stated that Mr. [REDACTED] swung the baseball bat at him in a "tomahawk motion" and Officer Roldan blocked the baseball bat with his arm. This was corroborated by the statements of multiple witnesses who observed Mr. [REDACTED] grip the baseball bat with two hands and strike Officer Roldan. This is further corroborated by the injuries sustained by Officer Roldan.

Officer Roldan stated that Mr. [REDACTED] was attempting to strike Officer Roldan again when Officer Roldan discharged his firearm. [REDACTED] and [REDACTED] reported that Officer Roldan's aim was "sloppy" and that he "shot all crazy." Yet, both of Officer Roldan's shots hit Mr. [REDACTED]. Thus, it is likely that Officer Roldan discharged his firearm directly towards Mr. [REDACTED] because Officer Roldan believed that Mr. [REDACTED] presented an imminent threat to Officer Roldan.

The fact that Mr. [REDACTED] had struck Officer Roldan with a baseball bat and was likely going to strike him again demonstrates that Officer Roldan was reasonable in his belief that Mr. [REDACTED] presented an imminent threat to Officer Roldan.

CONCLUSION AND FINDING

Because Officer Roldan reasonably believed that Mr. [REDACTED] presented an imminent threat to Officer Roldan, Officer Roldan was entitled to use deadly force against Mr. [REDACTED]. The evidence clearly shows that an Officer with similar training and experience would reasonably believe that Mr. [REDACTED] posed an immediate threat of death or serious bodily harm to the Officer and the public. Accordingly, Officer Roldan's use of deadly force was objectively reasonable as outlined by the Chicago Police Department's General Order 03-02-03, II; and the Illinois State statute. Officer Roldan's use of force also complied with the Fourth Amendment.

Approved:

[REDACTED]

Deputy Chief Administrator, COPA