

INDEPENDENT POLICE REVIEW AUTHORITY

Log 1013838/U#08-04

INVESTIGATION

NUMBER: Log# 1013838/ U# 08-04

OFFICER

INVOLVED #1: “Officer A” (Chicago Police Officer); Male/Hispanic; 31 years old; On Duty; In Uniform; Year of Appointment – 2000

OFFICER #1’s

INJURIES: None reported

OFFICER

INVOLVED #2: “Officer B” (Chicago Police Officer); Male/White; 47 years old; On Duty; In Uniform; Year of Appointment – 1999

OFFICER #2’s

INJURIES: None reported

OFFICER

INVOLVED #3: “Officer C” (Chicago Police Officer); Male/White; 31 years old; On Duty; In Uniform; Year of Appointment – 2002

OFFICER #3’s

INJURIES: None reported

SUBJECT:

“Subject 1”; Male/Black; 49 years old

SUBJECT’S

INJURIES: Multiple gunshot wounds (to head, left chest, right lower chest, arms, left leg); pronounced dead at Stroger Hospital.

INITIAL

INCIDENT: Well-being check/HBT incident

DATE/TIME

OF INCIDENT: 01 Feb 08, 0022 hours

LOCATION:

XXXX S. Stony Island (Lake Motel)
Beat 413

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SUMMARY OF INCIDENT:

On 31 Jan 08, at approximately 2125 hours, Officers H and I, working Beat 413, responded to the Lake Motel, XXXX S. Stony Island, to conduct a well-being check on a male now known as Subject 1, in Room XXX. Officers H and I went to Room XXX with the motel manager, Witness 1. After receiving no response to knocking on the door, Witness 1 unlocked the room door. Officers H and I opened the door and looked inside the room. The officers observed Subject 1 pointing a handgun at them. Officers H and I closed the door, secured the room and notified their supervisor. The Hostage-Barricade-Terrorist Incident/SWAT team was notified. At 2200 hours, the HBT/SWAT team took over security of the motel's perimeter and the motel's tenants were evacuated. One SWAT team was positioned on a walkway north and west of Room XXX (the walkway perpendicular to the walkway in front of Room XXX). That "north" team consisted of uniformed Officers B, C, F, and G and CPD Sergeant 2. Another SWAT team was positioned on a stairway south of Room XXX. That "south" team consisted of Officers A, D, and E. Officers rotated into the teams prior to the shooting incident.

On 01 Feb 08, at approximately 0010 hours, Subject 1 fired shots from his room toward SWAT officers positioned on the stairs south of Room XXX. Officer B, who was on the walkway north of Room XXX, fired at Subject 1, who backed into his room. At approximately 0020 hours, Subject 1 opened his door and looked north. Officers A and B (who was on the south stairs) ordered Subject 1 to show his hands and drop his weapon. Subject 1 looked south and leveled his handgun at chest level in the direction of officers on the stairs. Officers A, B, and C (who was with Officer B) fired their .223-caliber rifles at Subject 1, who was fatally wounded.

CPD Sergeant 1, a Police Department hostage negotiator who was on the scene, had spoken with Subject 1's family members prior to the shooting. CPD Sergeant 1 told detectives that Subject 1's family members had called 911 because Subject 1 had indicated that he was suicidal. CPD Sergeant 1 spoke to Subject 1 on the telephone and related that Subject 1 told him that he was "not playing games," that he was "sick of messing with the police," and wanted to kill himself. A .38-caliber, five-shot revolver was recovered on the walkway below the window of Room XXX. Subject 1 was transported to Stroger Hospital via ambulance and was pronounced dead at 0118 hours. The officers were not injured.

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Officer H related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. In addition, Officer H said he had learned that Subject 1's ex-wife called 911 after she received a call from Subject 1. Subject 1 had told his ex-wife that the phone call would be the last time she would talk to him. Subject 1 was supposed to be in Room "XXX." After learning from a motel employee that Subject 1's room was in fact #XXX, Officers H and I went to Room XXX, where they received no answer to their knocking. Officers H and I went to the motel office and spoke to a female employee. The female employee called Room XXX but received no answer.

Officer H continued that the female employee accompanied him and Officer I to Room XXX. Officers H and I knocked on the door and announced their office, again receiving no response. The female employee used a key to open the door. Officer H observed Subject 1 lying on the bed. Subject 1, who did not say anything, pointed his weapon at Officer H, who stepped back and took cover. The door closed by itself. Officer H called for additional units and Beat 410 called for the HBT/SWAT team. After the SWAT officers arrived, Officer H secured the outer perimeter. Officer H did not witness the shooting, did not hear Subject 1 say anything and did not hear officers' commands before the shooting incident.

CPD Sergeant 1 related to the Roundtable panel that he was off-duty when he drove near the motel and observed officers on the scene. After speaking with the officers, CPD Sergeant 1 thought the situation appeared to be a "brewing" HBT incident. CPD Sergeant 1 called Subject 1's wife of nine years, who informed him that she had moved out of the house three weeks prior. Subject 1 had contacted her to attempt to "repair" their marriage. During the course of their conversation, Subject 1 told his wife he would kill himself. Subject 1's wife told CPD Sergeant 1 that Subject 1 was bi-polar and was taking anti-depressants.

CPD Sergeant 1 related that he called Subject 1, who told him that he wanted to speak to his wife and other persons. During his phone call with Subject 1, CPD Sergeant 1 heard gunshots. After the call ended, CPD Sergeant 1 again called Subject 1, who informed him that he had a gun and that he had fired it. Subject 1 told CPD Sergeant 1 that he would kill himself and hung up the phone. CPD Sergeant 1 did not contact Subject 1 again. Approximately five minutes after Subject 1 hung up the telephone, CPD Sergeant 1 heard additional shots fired. CPD Sergeant 1, who was in the hotel lobby, did not hear any commands by any officer on the scene. He said that another negotiator responded to the scene.

Officer B related to the Roundtable panel an account of the incident consistent with the Summary of Incident. Officer B, assigned to the north containment team, was to keep Room XXX under observation and contain the man with the gun who was inside the room, preferably by less than lethal means. Officer B took turns with other members of his team in being the "point" officer keeping Room XXX under observation. The window for Room XXX was on the north side of the room door. At one point, Subject 1 opened the door and was visible to Officer B. Officer B commanded Subject 1, "Let me see your hands!" Subject 1 stepped back inside the room and closed the door. Approximately 30 seconds later, Subject 1 came to the room window and fired his handgun through the window in the direction of the south containment team. Officer B fired one round at Subject 1, who stepped back from the window and out of view. Approximately ten minutes later, Subject 1 opened the door again and

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stood in the threshold. Officer B again commanded Subject 1 to show his hands. Subject 1 held his gun in his right hand and pointed it in the direction of the south containment team. Officer B, Officer C and an officer from the south containment team fired at Subject 1 at the same time.

Officer A related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Officer A was in the south containment team and was the third man in a three-man stack. Officer A explained that the first officer in the stack was equipped with a ballistic shield. The second officer was armed with a less-than-lethal weapon. Officer A was armed with an M-4 (.223-caliber) rifle.

Officer A continued that when Subject 1 came out of the room, the second officer in the stack told Officer A to “step up,” which meant that Subject 1 posed a threat to the first two officers. Officer A said that Subject 1 apparently had a weapon. After Officer A stepped up to the first officer’s position, he heard gunshots and observed Room XXX’s window being broken out by shots from the inside. Officer A did not observe Subject 1 fire and could not determine in which direction Subject 1 was firing. Approximately five to ten minutes later, the room door opened and Officer A heard someone say, “Drop the gun.” Officer A observed Subject 1, in the doorway, look north and then south. Subject 1 raised his gun. Officer A ordered Subject 1 to “Drop the gun,” and when Subject 1 refused to comply, Officer A and other SWAT officers fired their weapons. Officer A did not hear Subject 1 say anything.

Officer C related to the Roundtable panel an account of the incident consistent with the Summary of Incident. Officer C was part of the north containment team and observed Subject 1 exit his room. Officer B commanded Subject 1 to show his hands. Subject 1 went back inside his room and fired rounds out of his room window while facing south. Officer B fired at Subject 1.

Officer C said that after a period of time, he saw Subject 1 at the room doorway again. Subject 1 exited the room and raised his gun toward the south containment team. Officer C fired at Subject 1, as did Officers A and B.

CPD Detective 1 of Area 2 related to the Roundtable panel that he responded to Stroger Hospital, where Doctor A pronounced Subject 1 dead at 0118 hours. Subject 1 had multiple gunshot wounds.

After the Roundtable, CPD Detective 2 of Area 2 related that Subject 1’s five-shot revolver had four spent casings in it and one live round. Subject 1 was administered a gunshot residue kit.

In a conversation with IPRA Investigator A on 01 Feb 08, Witness 1 related that she rented Room XXX to Subject 1 on 31 Jan 08 at approximately 1600 hours. A short time later, Subject 1 made calls from his room to several different numbers and then received phone calls. At approximately 2000 hours, a male called Witness 1 and told her to call the “cops” because there might be a suicide at the motel. Witness 1 told the caller that he needed to call 911 and gave the male the motel’s address. A short time later, two uniformed officers arrived at the motel and Witness 1 escorted them to Room XXX. After the officers received no response to knocking, one of the officers called his sergeant. Witness 1 then used a master key to open the

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room door. Witness 1 saw Subject 1 sitting on the bed and pointing a black/gray handgun at the door. Witness 1 immediately ran down the breezeway to the front office and remained there during the incident. Witness 1 said police negotiators came to the office and spoke with Subject 1 over the phone. During approximately two hours, the negotiating officers repeatedly asked Subject 1 to come out of the room. Witness 1 heard several gunshots but did not witness the shooting.

In a To-From-Subject report dated 01 February 2008, CPD Assistant Deputy Superintendent A related that when Subject 1 was shot, he fell to the floor just inside the doorway of his room. Personnel from Fire Department Ambulance #37, who were standing by because of the HBT incident, immediately responded to Subject 1's room. Subject 1's weapon was initially found between his legs, but it was tossed to where it was recovered when officers secured Subject 1 after the incident. The magazine capacity for the three involved officers' weapons was 30 rounds, but SWAT personnel load their magazines to not completely compress the magazine spring. Officer C loaded his weapon with 27 rounds, while Officers A and B loaded theirs with 28 rounds. Officer C fired six times; Officer B fired eight times; and Officer A fired nine times. The only negotiator listed in the report as present at the scene was CPD Sergeant 1.

In a To-From-Subject reported dated 01 February 2008, CPD Detective 3 related that [Brother of Subject 1], who was Subject 1's brother, came to the scene before the shooting and related to CPD Detective 4 that he had received a voice mail message from Subject 1 telling [Brother of Subject 1] good-bye. [Brother of Subject 1] called the motel and was connected to Subject 1's room, but Subject 1 hung up the phone. [Brother of Subject 1] also had received a call from his mother stating that Subject 1 had talked about suicide with Subject 1's wife. CPD Detective 3 also provided a time-line of phone calls to and from Subject 1 that often ended with him hanging up.

The **canvass** produced no witnesses.

The Crime Scene Processing Report and related Property Inventory Records indicate that 18 cartridge casings and a metal fragment were recovered at the scene. Four fired casings were recovered from Subject 1's revolver. A total of 19 live rounds were recovered from Officer A's rifle and magazine; a total of 21 live rounds were recovered from Officer C's rifle and magazine; and a total of 20 live rounds were recovered from Officer B's rifle and magazine. The rifle magazines had a 30-round capacity.

The Crime Scene Processing Report and related Property Inventory Record completed after the autopsy indicated that a fired bullet was recovered during the autopsy.

The Forensic Services Division photographs depict the scene, including bullet damage to Room XXX's window and door frame; the revolver recovered on the walkway north of Room XXX's door; trajectory rods in apparent bullet holes in the room door; and liquor containers inside the room. Other photos depict Subject 1's wounds.

Video from a camera at the motel indicates that at approximately 0053:07 hours on 01 February 2008, Subject 1 opens his room door and looks out. Another person is visible on the first floor. At approximately 0053:54 hours, white lights or flashes appear on the outside

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wall north of Subject 1's room door. At approximately 0058:37 hours, what appears to be light from a spotlight is directed at the wall north of Subject 1's room door and on the window of the room. Some movement occurs inside the room at the window or there is movement of the window glass. At approximately 01:00:04 hours, Subject 1's room door opens. Subject 1 is in the doorway and moves forward. What appears to be Subject 1's right hand moves up and seems to be angled to the south [toward the camera]. Subject 1 is no longer visible in the doorway. At approximately 01:00:39 hours, what appear to be SWAT officers approached Subject 1's open door from the north and enter the room. Persons are observed walking on the first floor. At approximately 01:04:23, other personnel enter the room. At approximately 0105:57 hours, Subject 1's body is removed.

The summary of the disc of radio transmissions from the Office of Emergency Management and Communications indicates that on 31 January 2008, at approximately 2109 hours, [Wife of Subject 1], who said she and Subject 1 were separated, called 911 and said Subject 1 called her and was very distraught, saying he was never coming home and that he was "done." [Wife of Subject 1] called 911 again at approximately 2211 hours to check if anyone had been dispatched to the Lake Motel. The call-taker eventually tells her that an officer will call and talk to her on her phone. At approximately 2138 hours, Beat 413 reported an "emergency" with a male, who is suicidal, with a gun in Room XXX at XXXX S. Stony Island. HBT was in place at approximately 2148 hours. Traffic was shut off around the motel. As of approximately 0022 hours on 01 February 2008, shots were reported fired, and a second ambulance was requested. It is reported that one person was being transported to Stroger Hospital. A Fire Department dispatcher stated that CFD had Ambulance #37 on the scene prior to the request for a second ambulance.

The Tactical Response Reports from Officers A, B, and C were consistent with the Summary of Incident and the number of shots fired by each officer as described in CPD Assistant Deputy Superintendent A's report.

The Ambulance Report indicates that paramedics, who were on standby at the motel, arrived at Subject 1's location at 0032 hours and found him lying on his stomach and unresponsive, with multiple wounds. He was treated en route to Stroger Hospital.

The report from the Bureau of Alcohol, Tobacco, Firearms and Explosives National Tracing Center indicates that it was not possible to completely trace Subject 1's revolver because it was manufactured before the marking and record-keeping requirements of the 1968 Gun Control Act.

A report from the Illinois State Police ("ISP") Division of Forensic Services dated 27 February 2008 indicates that Subject 1's revolver, the live cartridge and the four fired casings had no latent impressions suitable for comparison.

The swabs from Subject 1's revolver were not tested because they would have been consumed. They are preserved at the Evidence and Recovered Property Section.

An ISP report dated 25 April 2008 indicates that the three officers' rifles were examined, found to be in firing condition and test fired. During the autopsy, two fired bullets, three fired bullet jacket fragments and fourteen metal fragments were recovered and

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inventoried (Inventory # 11208041). The two fired bullets and the three fired bullet jacket fragments were found to have been fired by Officer B. In addition, a fired bullet fragment (Inventory #11208267) from the scene was found to have been fired by Officer B. The other metal fragments either could not be identified or eliminated as having been fired by the three officers' weapons or Subject 1's weapon, or they were not suitable for further comparison. Five of the eighteen recovered .223-cal. casings were found to have been fired by Officer A. Eight of the .223-cal. casings were found to have been fired by Officer B. Five .223-cal. casings could not be identified or eliminated as having been fired in the same firearm or in the three officers' rifles. However, three of those five casings were chambered in Officer C's rifle. The other two casings could not be identified or eliminated as having been chambered in the same firearm or in the three officers' rifles. Subject 1's revolver was examined, found to be in firing condition and test fired. The four .38-cal. casings that were recovered were found to have been fired from the revolver.

An ISP report dated 28 May 2008 notes that the results of the gunshot residue kit administered to Subject 1 indicate that he discharged a firearm, contacted a primer gunshot residue-related item or had his left hand in the environment of a discharged firearm.

The Report of Postmortem Examination indicates that Subject 1 sustained numerous gunshot wounds including in the neck, the left upper chest, the left chest, right lower chest, the back of the right upper arm, the back of the right forearm and the left forearm. There was a gunshot graze wound on the back of the right elbow and an abrasion in the same area. Abrasions were on the left lower leg. A shrapnel wound was in the left ankle. There was no evidence of close-range fire. Two deformed copper-jacketed lead bullets and multiple lead and copper jacketing fragments were recovered. A small piece of lead was left in the left ankle.

Autopsy photos depict Subject 1's injuries and recovered fired evidence.

The detectives' Supplementary Report indicates that Officers A, B, C, and H provided accounts of the incident that were consistent with their Roundtable accounts. The report indicates that CPD Detective 3's report (already referenced) was a complete account about conversations between Subject 1 and Police Department negotiators (identified as CPD Detective 3, CPD Sergeant 1, CPD Detective 4 and CPD Detective 5).

Detectives also interviewed other SWAT personnel. Officer D said that he was one of the officers assigned to a position south of Room XXX and was armed with a less-than-lethal shotgun. Officer D observed Subject 1 fire a handgun out the window of his room in his (the officer's) direction. Officer D switched positions with Officer A. Officer D saw Subject 1 exit the room with a handgun, and he yelled for Subject 1 to drop the gun. Subject 1 turned toward Officer D's position. Officer A fired and Subject 1 fell to the ground.

Officer E told detectives that he was assigned to the stairway south of Room XXX and that he saw several muzzle flashes come from the window of that room. Approximately ten minutes later, he saw Subject 1 step out of the room holding a handgun, which he pointed toward Officer E's position. Officer D yelled to Subject 1 to drop the gun. Subject 1 did not comply, and officers on the scene fired at Subject 1.

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CPD Sergeant 2 related to detectives that he was assigned to the walkway north of Room XXX and saw Subject 1 come to his room window. Officers yelled for him to “show his hands.” Subject 1 fired several shots out of the window. Officer B fired one shot. After approximately ten minutes, Subject 1 opened his door and stepped out holding a handgun, which he pointed at the officers to the south. CPD Sergeant 2 heard officers fire a volley of shots. Subject 1 fell. CPD Sergeant 2 moved forward and secured Subject 1.

Officer F told detectives that he was assigned to the walkway north of Room XXX. He was the fourth man in the “stack” and was not able to view either shooting. Prior to the shooting, he heard officers order Subject 1 to drop the gun and show his hands.

Officer G related to detectives that he was assigned to the walkway north of Room XXX and observed Subject 1 come to the room window. Officers yelled to him to show his hands. Subject 1 fired several shots out of the window. Officer B fired one shot at Subject 1. Approximately ten minutes later, Subject 1 opened his door and stepped into the doorway while holding a handgun. Subject 1 pointed the gun at officers south of the room door. Officer G heard officers fire shots, and Subject 1 fell to the ground.

In a statement to IPRA on 27 May 2009, Officer H related an account of the incident that was consistent with his Roundtable account.

In a statement to IPRA on 11 May 2009, Officer I related an account of the incident that was consistent with Officer H’s account. In addition, Officer I said he did not see the inside of Subject 1’s room when the motel clerk opened the room door because he was positioned to the right of the doorway. When the motel clerk opened the door, the clerk ran off, and Officer H pushed him to the right and said the “guy” in the room had a gun “on” the officers. Officers H and I took cover and requested backup. During the shooting, Officer I was in the motel office and did not witness anyone fire a weapon, but heard the shots. He did not hear anyone order officers to enter Subject 1’s room before shots were fired.

In a statement to IPRA on 01 May 2008, Officer A related an account of the incident that was consistent with his Roundtable account. In addition, Officer A said that while he was still in the third position in the “stack” of officers, he heard approximately four shots, after which Officer D asked him to move up. As the four shots were fired, Officer A saw Room XXX’s window being broken. Officer A did not recall saying at the Roundtable that he moved up before these shots were fired. Officer A moved up next to Officer E, who was holding the shield. Officer A asked for another shield, but before the additional shield arrived, Subject 1’s door opened. Subject 1 stepped out and raised his handgun. Officer A told Subject 1 to drop the gun several times, but when he did not, Officer A fired at him from approximately 25 feet away. Officer A’s team on the south stairwell was intended as “containment” during the incident. He was not ordered to “make entry” before the approximately four shots were fired.

In a statement to IPRA on 01 May 2008, Officer B related an account of the incident that was consistent with his Roundtable account. In addition, Officer B estimated that the two containment SWAT teams were posted approximately 25 feet to the north and south of Subject 1’s room. Their strategy was to ensure that an armed man (Subject 1) would not exit the room and be able to hurt anyone and that negotiators would be able to communicate with Subject 1. Officers, possibly including Officer B, told Subject 1 to “drop the gun,” during the incident.

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Officer B was not ordered to enter Subject 1's room before the approximately four shots were fired. After the shooting ended, Officer B and other officers approached Subject 1, whose gun might have been between his legs or near his body. Officer B requested an ambulance and then heard over his radio that one had been requested.

In a statement to IPRA on 01 May 2008, Officer C related an account of the incident that was consistent with his Roundtable account. In addition, Officer C said that after arriving at the motel, he, Officer B and CPD Sergeant 2 evacuated some guests. The officers then set up their position on the north catwalk, after which negotiators spoke with Subject 1. When Subject 1 apparently fired the four shots through his window, Officer C could not see Subject 1. Officer C saw Subject 1 when he opened his door and raised his gun toward the officers positioned south of Subject 1. Officer C then fired at Subject 1. After officers from the north position approached the room, Officer C entered the room's threshold and observed an officer move Subject 1's gun from his hand.

Officer C added that before Subject 1 shot out his room window, the officers intended to wait him out. There was no opportunity to use less-than-lethal force against Subject 1 after he fired his weapon. Officer C was not ordered to enter Subject 1's room before the approximately four shots were fired.

In a statement to IPRA on 21 August 2009, CPD Sergeant 1 related an account of the incident that was consistent with his Roundtable account, although he said he did not recall what he said at the Roundtable. In addition, CPD Sergeant 1 said he spoke with Subject 1 over the phone, from the motel office, several times for a total of more than two hours. Subject 1 told CPD Sergeant 1 that he was distressed over his marital situation and threatened to kill himself. When CPD Sergeant 1 spoke with Subject 1's wife, she said that she was distressed and did not want to talk to Subject 1. CPD Sergeant 1 was not sure of the identities of the other negotiators from the Police Department who were on the scene, but they did not speak with Subject 1. CPD Sergeant 1 did not witness anyone, including Subject 1, fire a weapon, and he did not see Subject 1's weapon. In speaking to Subject 1, CPD Sergeant 1 attempted to resolve the situation without anyone being hurt. He did not recall specific information about offering to do anything for Subject 1. He did not remember hearing any order to enter Subject 1's room.

In a statement to IPRA on 16 March 2009, CPD Sergeant 2 related an account of the incident that was consistent with the Summary of Incident. In addition, CPD Sergeant 2, who was in the north containment team (located on a walkway north and just west of Room XXX), related that before any shot was fired, he requested equipment including a ballistic blanket, pepper spray and beanbag shotguns. A ballistic blanket and a beanbag shotgun were brought to his position, and the pepper spray was brought to a room used by another team that was positioned north of CPD Sergeant 2's position. At approximately 0016 hours, CPD Sergeant 2 heard several shots fired in the area of Subject 1's room, which was out of his view. Officer B fired a single round, and he told CPD Sergeant 2 that Subject 1 had fired at the south SWAT team through a window. CPD Sergeant 2 conveyed that information over the radio to the command center and to other SWAT officers. Approximately five minutes later, officers in CPD Sergeant 2's "stack" and others in the area shouted, "Put the gun down!" and then several shots were fired, including by Officers B and C. Officer B said that Subject 1 was "down" inside his doorway. CPD Sergeant 2 related that information over his radio and stated that his team would be the immediate action team to move up and take Subject 1 into custody. CPD

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Sergeant 2 observed Subject 1's handgun lying next to him, and he and another officer searched and secured Subject 1. The officers secured the room and requested paramedics. No one gave an order to enter Subject 1's room before the first shot was fired.

CPD Sergeant 2 said he did not recall telling detectives that he saw Subject 1 come to the room window as officers yelled for him to show his hands. CPD Sergeant 2 did not see Subject 1 fire out his window; point his gun at the officers in the south team; or fall to the floor.

In a statement to IPRA on 16 March 2009, Officer D, who was in the "south" team and armed with a less-than-lethal shotgun, related an account of the incident that was consistent with the Summary of Incident. After Subject 1 fired shots out of his window toward his team's location, Officer D stepped back and Officer A stepped to Officer D's position (number two in the "stack"). Officer D handed off his less-than-lethal shotgun and placed his M-4 in front of him. He believed that another SWAT team exchanged fire with Subject 1. Negotiators re-established contact with Subject 1, but then after five or ten more minutes, Subject 1's door opened and he raised a handgun in what appeared to be the direction of the north team. Officer A fired several rounds. Officer D did not recall telling detectives that he yelled for Subject 1 to drop his gun when he exited Room XXX. No one ordered Officer D to enter Subject 1's room at any time, and he did not hear an order for SWAT members to enter the room, other than after Subject 1 was shot.

In a statement to IPRA on 16 March 2009, Officer E related an account of the incident that was consistent with the Summary of Incident. In addition, Officer E said that he and Officer D brought ballistic shields and other tools up to the second floor of the motel for the SWAT teams. He did not recall if he brought pepper spray tanks there. Officer E and other officers traded places with officers who had been on the south stairway. Approximately ten minutes after taking his position as the lead officer on the stairway, Officer E observed Subject 1's door open. Subject 1 stood in the doorway, and Officer E yelled that the police were there and for Subject 1 to show his hands. Subject 1 looked in Officer E's direction and stepped back into the room. A few seconds later, Officer E heard three to four shots, but did not see Subject 1 fire. Approximately ten more minutes passed, and Subject 1 opened his door and stepped in the doorway. Officer E ordered him to show his hands, but Subject 1 stepped back inside. Officer E heard another shot and then officers across from Subject 1 returned fire. Officer A, who was on the landing of the stairway and was to Officer E's left, also fired. Officer E did not recall seeing Subject 1 point a handgun at his position as detectives had reported. Officer E did not recall telling detectives that he heard Officer D yell to Subject 1 to drop his gun. Officer E did not hear a Department member order officers to enter Subject 1's room until after officers had returned fire.

In a statement to IPRA on 13 March 2009, Officer F related an account of the incident that was consistent with the Summary of Incident. In addition, Officer F said that, as a member of the "north" SWAT team, he and his fellow officers were to cover the doorway and window of Subject 1's room. The officers placed a ballistic blanket on the rail of the walkway for cover. While rotating with other officers of the team, Officer F was warming up in Room 268. He heard some shots, exited the room and took the fourth position in the "stack." Officer F could not see Room XXX. Approximately ten minutes later, he heard officers yell to Subject 1 and also heard gunfire from a member or members of his team as well as shots fired from the

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south. He could not tell if a south team member fired. He did not see Subject 1 fire and did not see what Subject 1 was doing as officers fired. After the shooting stopped, the north team went to Room XXX. Officer F went to the doorway and saw Subject 1 on the floor. A handgun was on the ground and Officer F guarded the gun until an "ET" relieved him. CPD Sergeant 2 ordered officers to enter Subject 1's room, but only after the final exchange of gunfire. Officer F did not recall what he told the detectives about the incident.

In a statement to IPRA on 15 April 2009, Officer G related an account of the incident that was consistent with the Summary of Incident. In addition, Officer G stated that he and his partner, Officer F, rotated in the north team with Officers B and C. Officer G observed Subject 1 come to his window and fire through it. Officer B, who was to Officer G's right, returned fire with one or two rounds. Subject 1 retreated from the window and approximately ten to fifteen minutes later, Subject 1 opened his door. Subject 1 came to the threshold and pointed his gun out. Officer G believed that a member of the south team yelled something like, "Drop the weapon!" Subject 1 did not drop the weapon and then shots rang out. CPD Sergeant 2 had the north team act as the "immediate action team," which approached Subject 1's room. Officer G and CPD Sergeant 2 searched and attended to Subject 1, who was breathing in a shallow manner. Officer F secured Subject 1's weapon, which was on the floor. Officers B and C cleared the room. CPD Sergeant 2 called for paramedics, who removed Subject 1. Before any shot was fired, Officer G did not hear any order for officers to enter Subject 1's room. He was not sure if he heard any officer order Subject 1 to show his hands.

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CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officers A, B, and C was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order 03-02-03 (formerly G02-08-03), Section II, A:

A sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

1. to prevent death or great bodily harm to the sworn member or to another person, or:
2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.

The preponderance of the evidence indicates that the officers' actions were in accordance with the requirements of the Police Department's deadly force policy. Subject 1 pointed a handgun in the direction of Witness 1 and Officers H and I, which brought the SWAT officers to the motel. Negotiation with Subject 1 failed. When he exited his room, Subject 1 did not obey commands to either show his hands or drop his gun. The three SWAT officers fired only after Subject 1 fired his weapon through his window or from his doorway. Subject 1 endangered the safety of the officers on the scene. When the officers fired, they reasonably believed that they and other officers were in danger of death or great bodily harm from Subject 1. The gunshot residue test was positive for Subject 1, and the four casings recovered from his revolver had been fired in that weapon. The motel camera video is consistent with the officers who observed Subject 1 raising his hand toward the south before the officers fired the final time.