

## INDEPENDENT POLICE REVIEW AUTHORITY

### INVESTIGATION

**NUMBER:** LOG# 1016865 / U# 08-13

**OFFICER INVOLVED#1:** "Officer A" (Chicago Police Officer); Male/White; 30 years old; On-Duty; In Uniform; Year of Appointment – 2005

**OFFICER INVOLVED#2:** "Officer B" (Chicago Police Officer); Male/White; 30 years old; On-Duty; In Uniform; Year of Appointment – 2006

**SUBJECT:** "Subject 1"; Male/Black; 18 years old

**SUBJECT INJURIES:** One gunshot wound to the upper right chest

**INITIAL INCIDENT:** Domestic Disturbance

**DATE/TIME OF INCIDENT:** 27 May 2008 at 0618 Hours

**LOCATION:** 2600 Block of N. Oak Park Avenue (Inside)  
**Beat 2512**

**SUMMARY OF INCIDENT:**

On 27 May 2008, at 0618 hours, Witness 1 was awakened by the sound of the rear door being opened. Witness 1 observed, through the peephole, Subject 1 walking towards the front of the residence. Witness 1 attempted to warn her family. Witness 2 and her three children who occupy the basement ran to the first floor, closed the door to the basement and secured the lock. Witness 3, her five-month-old daughter and her mother, Witness 4, barricaded themselves in a bedroom. Subject 1 entered the residence through the basement window and went up the stairs carrying a 9-inch kitchen knife with a 4-inch blade and 5-inch handle and a black and red ball-peen hammer. Subject 1 kicked the basement door open breaking the lock. Subject 1 encountered Witness 1 in the kitchen and ordered her to gather all of the phones.

Subject 1, followed by Witness 2, ran up the stairs to the second floor and began banging and kicking on a bedroom door. Witness 1 remained on the first floor and called 911, reporting that her sister's ex-boyfriend had broken into the home and was hurting her sister. Witness 3 opened the door to the bedroom that she was in and Subject 1 grabbed her in a chokehold by wrapping his left arm around her neck/shoulder area and then put the knife to her neck. Subject 1 dropped the hammer and Witness 2 attempted to pick it up but Subject 1 swung the knife at her, missing Witness 2 and striking the wall behind him. Subject 1 demanded to see his five-month old daughter. Witness 4 exited the bedroom carrying the baby in her arms. Subject 1 held Witness 3 in a chokehold and

attempted to stab her but the knife went into the wall. Subject 1 then dragged Witness 3 down the stairs to the first floor.

Officer A and Officer B responded to a call of a domestic disturbance, man with a knife, at a residence on the 2600 Block of N. Oak Park Avenue and were met outside by Witness 1. Officer A went to the back door escorted by Witness 1 and Officer B remained at the front of the residence. As Officer A entered the residence he encountered Subject 1 in the living room of the residence. Subject 1 was holding a knife in his left hand and had it pushed against Witness 3's neck. Officer A repeatedly ordered Subject 1 to drop the knife but Subject 1 refused. Subject 1 dragged Witness 3 into a corner of the living room and again refused to drop his knife. Officer A lowered his gun and Subject 1 lowered his knife.

As Officer B entered the living room Subject 1 saw him and again raised the knife and placed it against Witness 3's neck. Officer B walked back into the kitchen and radioed for a taser. Subject 1 then shifted his body and Officer A fired one shot striking Subject 1 in the upper chest area. Subject 1 was placed in custody and the officers called for an ambulance. Subject 1 was transported to Loyola Hospital and Witness 3 was transported to Illinois Masonic Hospital suffering from a laceration to the front of her neck.

**INVESTIGATION:**

Witness 1, sister of Witness 3, related to the Roundtable panel an account that was consistent with the Summary of Incident. Witness 1 related that between 0615–0630 hours she was awakened by the sounds of the side steel door being opened. Witness 1 observed Subject 1 walking to the front of the house. Witness 1 stated that she began screaming to warn the family that Subject 1 was at the residence.<sup>1</sup> Witness 1 saw her sister Witness 2 and her children run up the stairs into the kitchen then lock the basement door. Witness 1 heard Subject 1 kicking the door; the door flew open, Subject 1 came in and ordered Witness 1 to gather all of the phones. Subject 1 ran up to the second floor and Witness 1 heard loud voices and yelling from up there. Witness 1 found a phone, called 911 and reported that Subject 1 was at the residence with a knife.

Witness 1 exited the residence and met two uniformed officers outside. Witness 1 informed the officers of the situation and directed one officer to the rear/side door. The second officer remained out front. Witness 1 locked herself in a room at the rear of the residence after letting the officer into the residence. Witness 1 then heard loud voices and a single gunshot. Witness 1 opened the door and observed Witness 3 running towards her. They closed the door and both sat on the bed and waited for the officers.

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<sup>1</sup> Witness 1 explained that there was a history of domestic violence between Subject 1 and Witness 3. Subject 1 had struck Witness 3 on a previous occasion, threw her to the ground when she was pregnant and had previously broken into the residence and threatened Witness 3 with two knives.

Witness 2, sister of Witness 3, related to the Roundtable panel an account that was consistent with the Summary of Incident. Witness 2 stated she and her children reside in the basement at the residence on the 2600 Block of N. Oak Park. Witness 2 was in bed and observed a towel covering the bedroom window move and the window open. Subject 1 stuck his head through the window and said, "Open the window." Witness 2 stated that she closed the window, grabbed her three children, and ran up the stairs to the main floor and locked the basement door. Witness 2 heard Subject 1 running up the stairs and as he reached the basement door, the door flew open. Subject 1 had a knife and a hammer as he ran to the second floor with Witness 2 following him.

Subject 1 began banging on the bedroom door of Witness 4. When the door opened and Witness 3 exited, Subject 1 grabbed her (Witness 3) in a chokehold, placed a knife to her neck and dragged her to the stairs. Subject 1 dropped the hammer that was in his other hand and Witness 2 attempted to pick it up but Subject 1 recovered it. Witness 2 stated that Subject 1 then attempted to stab Witness 3 but the knife struck the stairwell wall.<sup>2</sup> Subject 1 then dragged Witness 3 down the stairs to the main floor. Witness 2 remained on the second floor. Witness 2 then heard unknown voices, yelling and then one gunshot.

Witness 5 (18 YOA), nephew of Witness 3, related to the Roundtable panel an account that was consistent with the Summary of Incident. Witness 5 stated that his mother, Witness 2, woke him up and told him that Subject 1 was

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<sup>2</sup> Witness 2 related to the Roundtable as well as in her statement to the IPRA that Subject 1 swung the knife at Witness 3 and missed, striking the wall behind him. However, the Detective Supplementary Report indicates Witness 2 related to Detectives, via a translator, that when she tried to recover the hammer Subject 1 swung the knife at her and missed, striking the wall behind him. (Att. #36)

at the window and had asked her to open the door. Witness 5 stated that Witness 2 guided him and his siblings to the main floor of the residence. Witness 5 stated that when he reached the kitchen area, he looked around for a telephone. Witness 5 heard Subject 1 on the stairs and heard the basement door being forced open. Witness 5 was looking for a telephone when Subject 1 forced his way in and confronted him (Witness 5) with a knife. Subject 1 repeatedly asked about his daughter and then ran up the stairs to the second floor of the residence with Witness 5 and Witness 2 behind him.

As Witness 5 reached the second floor, he observed Witness 3 exit the bedroom occupied by his grandmother, Witness 4. Witness 5 stated that Subject 1, who was holding a knife and a hammer, grabbed Witness 3 around the neck and placed a knife against her neck. Subject 1 repeatedly stated that the baby was not his and that Witness 5 must be the father. Witness 5 stated that he was not the father of Witness 3's baby. Subject 1, while holding Witness 3, then dropped the hammer. Witness 2 attempted to grab the hammer but Subject 1 retrieved it and then attempted to stab Witness 3 however he struck the wall of the staircase instead. Subject 1 then dragged Witness 3 downstairs. Witness 5 remained on the second floor.

Witness Detective A related to the Roundtable panel that he went to Illinois Masonic Hospital and determined that Witness 3 had sustained a two and a half inch laceration to her neck requiring surgery. Detective A interviewed Witness 3 who related that she and Subject 1 had been in a relationship for over two years. Throughout the relationship, Subject 1 abused her and, after the birth

of her daughter, the abuse became more frequent. Witness 3 stated that on 26 May 2008, Subject 1 telephoned her (Witness 3) and threatened to "kill" her. Subject 1 also told her that it was him, Subject 1, whom had flattened the tires of the family SUV. Witness 3 believed that Subject 1 would make good on his threats. In the early morning hours of 27 May 2008, Witness 3 heard Witness 1 yelling. Witness 3 and her mother, Witness 4, pushed a loveseat against the bedroom door where she, her daughter and mother slept. Witness 3 then heard banging on the bedroom door. Witness 4 grabbed the baby and the two (Witness 4 and the baby) hid behind the headboard of the bed.

Witness 3 opened the door and Subject 1 grabbed her around the neck with his arm, placed a knife to her neck, pulled her out of the bedroom and dragged her down the stairs first into the kitchen area then to the living room. Subject 1 had Witness 3 in a chokehold when he pulled her into a corner of the living room. Witness 3 then saw a male white officer enter the room with his weapon drawn and order Subject 1 to drop the knife. The male white officer ordered Subject 1 to drop the knife several times but Subject 1 refused. Subject 1 stumbled into a table then Witness 3 heard one gunshot. Witness 3 saw Subject 1 fall to the floor. She ran out of the room into a rear room with her sister Witness 1. Witness 3 did not know when she was injured.

Witness Detective B related to the Roundtable panel that he accompanied Subject 1 to Loyola Hospital. Subject 1 told Witness Detective B in an interview that he and Witness 3 had an argument on 26 May 2008. Subject 1 arrived at the family residence during the early morning hours of 27 May 2008 knowing that

Witness 3 would be home. Subject 1 stated that he brought a knife and a hammer with him so that he could get into the residence. Subject 1 stated that he entered the residence, grabbed Witness 3 around the neck, placed a knife to her neck and brought her down the stairs to the main floor of the residence. Subject 1 stated he encountered the police. Subject 1 stated that the officer ordered him several times to drop the knife; the officer then shot him (Subject 1).

Witness Officer B related to the Roundtable panel an account that was consistent with the Summary of Incident. Officer B stated that he and his partner Officer A responded to a domestic disturbance call at a residence on the 2600 Block of N. Oak Park Avenue. Along the way they were updated with the information that the offender had a knife. Upon arrival, a female, now known as Witness 1 met the officers outside. Officer A exited the vehicle and accompanied Witness 1 to the rear of the residence. Officer B remained at the front of the residence. Officer B heard loud voices so he ran to the rear side door, which Witness 1 opened for him. Officer B asked Witness 1 to remain in the rear of the residence for her safety and he proceeded to where the loud voices were coming from, the living room. When Officer B arrived in the living room, he observed Subject 1 holding Witness 3 around the neck and yelling, "I'm going to kill her." Officer B stepped back and radioed for a supervisor with a taser. Officer B heard Officer A yell, "Sir, drop the knife, everything is going to be okay." Officer B backed out and entered the living room behind and to the right side of Officer A.

Officer B observed Subject 1 standing in front of a table in the corner of the room holding Witness 3 around the neck with a knife. Officer B observed

blood on the neck of Witness 3. At some point, Subject 1 shifted his body and Officer A fired one shot. Subject 1 fell to the floor and Witness 3 fled out of the room. Officer B approached Subject 1, kicked the knife out of his reach and he and Officer A handcuffed Subject 1.

Involved Officer A related to the Roundtable panel an account that is consistent with the Summary of Incident. Officer A stated that he and his partner Officer B responded to a domestic disturbance call at a residence on the 2600 Block of N. Oak Park Avenue and upon arrival were flagged down by a female now known as Witness 1. Officer A exited the vehicle and Witness 1 informed him that Subject 1 was inside the residence with a knife.

Officer A stated that Witness 1 guided him to a rear door through which he entered the residence into the kitchen. Officer A observed Subject 1 holding Witness 3 around the neck with a knife to her neck. Officer A raised his weapon and yelled, "Sir, drop the weapon." Subject 1 replied, "Fuck that, I'm going to kill this bitch!" Subject 1 continued to hold Witness 3 by the neck and backed into a corner in the living room. Officer A followed them with his weapon drawn and repeatedly ordered Subject 1 to drop the weapon. Subject 1 yelled, "I'm going to kill this bitch, she fucked another man." Officer A told Subject 1, "Everything is going to be okay." Subject 1 then asked Officer A to lower his weapon, which he (Officer A) did. Subject 1 then lowered the knife from Witness 3's neck about six inches. Officer B entered the residence and when Subject 1 observed him, his attention was diverted for a moment but then Subject 1 raised the knife and returned it to Witness 3's neck. Subject 1 yelled, "I'm going to kill this bitch!"

Officer A yelled, "Sir, drop the weapon!" Subject 1 shifted his body to the right and Officer A fired one shot striking Subject 1 in the chest. Witness 3 fled the room. Officer B approached Subject 1, who was on the floor, kicked the knife from his reach and both officers handcuffed Subject 1 and waited for additional officers and the Chicago Fire Department Emergency Medical Services ("EMS").

In a statement to the IPRA on 19 September 2008, the Involved Member, Officer B, provided an account of the incident that is consistent with the Summary of Incident, related Department Reports and the account he provided to the Roundtable. Officer B stated that he and his partner Officer A responded to a domestic disturbance at about 0600 hours, 27 May 2008, on the 2600 Block of N. Oak Park Avenue. The call involved a break-in at a residence by a person armed with a knife. Officer B stated that upon arrival his partner entered the residence first, being let in by one of the family members. This individual spoke to Officer A first as he was not driving and exited the police vehicle first. Officer B stated that his partner told him to stay out front because he thought the offender might try to exit through the front door. Officer B stayed out front for about thirty seconds until he heard a verbal altercation between Officer A and the offender, Subject 1, and a woman screaming. Officer B thought his partner's safety was in danger so he entered the residence through the kitchen door.<sup>3</sup> Officer A was already in the living room, his gun out, with Subject 1, and the woman, now known as Witness 3. There were some family members in the

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<sup>3</sup> The residence is divided into two primary residences, one in the front portion of the house and one in the rear, both with a kitchen. The incident occurred in the kitchen and living room in the "front" part of the residence. The residence has a front door entrance and side door entrance which allows direct access to the rear residence. A door in the kitchen of the "front" residence connects the two residences within the interior of the residence. (Att. #36)

living room or kitchen also. Subject 1 was holding Witness 3 in front of himself and he had a knife up against her chest but as soon as he saw Officer B, Subject 1 pressed the knife to Witness 3's throat and said something to the effect, "I don't like you, stay back, or I'll kill her!" Officer B backed out of view, radioed for other units and requested a sergeant with a taser. Officer B then walked around to the other living room entrance and entered there.

Officer A was facing Subject 1; standing about six feet from him trying to calm him down, telling him he was trying to de-escalate the situation. Officer A told Subject 1 several times to lower the knife or to drop the knife. Subject 1 did not lower the knife. Subject 1 was making statements to the effect of, "Fuck this, I'm going to jail anyways, I'm going to kill the bitch!" Witness 3 continued screaming. Officer A fired his weapon after Subject 1 cut Witness 3 in the throat.<sup>4</sup> Officer A fired one shot and Subject 1 fell to the floor.

In a statement to the IPRA on 10 September 2008, Involved Officer A provided an account of the incident that is consistent with the Summary of Incident, related Department Reports and the account he provided to the Roundtable. Officer A stated that he and his partner Officer B responded to a domestic disturbance, a man with a knife. They were the first to arrive at the residence on the 2600 Block of N. Oak Park Avenue. Upon arrival a women told Officer A that there was a man with a knife in the kitchen. Officer A could hear

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<sup>4</sup> It is unclear at what point Witness 3's throat was cut, either while Subject 1 held the knife to her neck, or as Subject 1 was falling after being shot. In her statement to detectives, and while at the hospital Witness 3 stated she was uncertain when she was cut, stating she was unaware that she had been cut until after Subject 1 had been shot by Officer A. The Case Supplementary Report indicates Witness 3 told detectives that Subject 1 cut her throat as he was falling, right after he was shot. (Att. #5, 36)

yelling and screaming coming from inside. Officer B remained at the front of the residence where Officer A told him to secure the front door.<sup>5</sup> Upon entering the residence through the side door, Officer A withdrew his weapon and observed a male black in the kitchen, holding a woman in a chokehold with a four to six inch knife with an orange handle held to her throat.<sup>6</sup> The woman was screaming. Officer A stated there were other family members present but he was unsure how many were in the kitchen/living room area.

Upon observing Subject 1 and Witness 3, Officer A announced his office and repeatedly gave Subject 1 verbal commands to drop the knife. Subject 1 failed to comply and dragged Witness 3 into the living room into the northwest corner of the room to a glass coffee table. Subject 1 partially sat on the coffee table and used Witness 3 as shield to cover him. Officer A again ordered Subject 1 to drop the knife. Subject 1 responded by saying something to the effect of, "I don't care, you can shoot me."

Subject 1 continued to hold the knife to Witness 3's throat and said, "You can shoot me, I don't care, cause you're all going to lock me up anyway." Witness 3 continued screaming in fear. Officer A kept talking to Subject 1 and after establishing communication with Subject 1, Subject 1 lowered his knife from Witness 3's throat approximately six (6) inches and Officer A lowered his weapon as well.

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<sup>5</sup> Officer A stated that he was unaware of Officer B's whereabouts during the incident. He stated he was aware at some point, that Officer B was inside the home and briefly saw Officer B in the kitchen but was focused on Subject 1 and Witness 3.

<sup>6</sup> Officer A described the handle of the knife as being orange; it was also described by detectives as having a red handle.

Subject 1 raised the knife back up to Witness 3's throat causing Officer A to raise his weapon and point it at Subject 1. Witness 3 was crying for help. Officer A felt her life was in danger. Officer A continued giving Subject 1 verbal commands to let go of Witness 3; Subject 1 ignored the commands and continued making desperate comments while Witness 3 screamed. Subject 1 was approximately six to eight feet from Officer A, using Witness 3 as a shield, the knife to her throat, when Subject 1 began repositioning himself on the coffee table. Subject 1 exposed his body allowing Officer A to fire one shot, striking Subject 1 in the chest. Subject 1 fell to the floor.

Witness 3, who had sustained a bleeding injury to her throat, broke free. Officer A did not know when she was cut nor did he see any blood. Officer A stated he felt that Witness 3's life was in danger when he fired his weapon at Subject 1.

Attempts to interview Subject 1 were met with negative results. An attempt was made to interview Subject 1 on 27 May 2008 at Loyola University Medical Center. Subject 1 initially agreed to be interviewed but when provided with the Miranda Warnings refused to be interviewed. Subject 1 condition was critical but stable. A second attempt was made to interview Subject 1 at Cook County Jail on 22 July 2008. Subject 1 refused to be interviewed but did sign a medical release. (Att. # 6, 7, 30-32)

The Loyola University Medical Center Medical Records indicate that Subject 1 was admitted on 27 May 2008 at approximately 0702 Hours suffering

from a gunshot wound to the chest. Subject 1 was hospitalized and later transferred to the Cook County Jail. (Att. #44)

In an interview with IPRA on 27 May 2008 Witness 1 stated that at approximately 0615 – 0630 hours, she heard a sound at the back door of her residence and then observed Subject 1 walking toward the front of the residence. Witness 1 stated that she informed the family members that Subject 1 was on the property. Witness 1 stated that Witness 2 came up from the basement and told her that she observed Subject 1 looking through her window. Witness 1 brought her children up from the basement to the main floor and locked the basement door. Witness 1 stated that she then heard a loud banging noise on the basement door, which then flew open. Witness 1 observed Subject 1 run to the upper floor.

Witness 1 searched for a phone, found one, and called 911 to report that someone broke into the residence. Witness 1 then heard the sirens, exited the residence, and informed one of the police officers of the situation. The officer instructed Witness 1 to go to the rear of the residence to stay out of danger. Witness 1 stated that she then heard a lot of yelling but was unable to recall what was being said. Witness 1 heard her sister, Witness 3, crying. Witness 1 opened the door and observed Witness 3 holding her neck. Witness 3 had blood on her neck and hand. Both Witness 1 and Witness 3 then waited for the police. Witness 1 stated that she did not see Subject 1 holding anything in his hands. Witness 1 further related that she did not see the shooting nor did she observe

Subject 1 grab Witness 3. Witness 1 stated that Subject 1 has harassed Witness 3 in the past. (Att. #15)

In a statement to the IPRA on 27 May 08 Witness 4, mother of Witness 3, stated that she was in her second floor bedroom at about 0615 hours, with her daughter Witness 3 and Witness 3's baby when she heard her other daughter (Witness 2) yell that Witness 3's boyfriend (Subject 1) was in the house. Subject 1 came upstairs and began kicking on the bedroom door. Witness 4 and Witness 3 pushed a sofa against the door. Witness 3 then opened the door and Subject 1 grabbed her arm and put a knife to her (Witness 3's) neck and went downstairs. Witness 4 grabbed the baby and hid behind the bed. Witness 4 heard Subject 1 yelling but could not see him or Witness 3 nor did she understand what was being said as it was in English. At some point, Witness 4 went downstairs to the kitchen and stated she saw Subject 1 with the knife to Witness 3's neck but did not see Subject 1 cut Witness 3 nor did she see the police officer shoot Subject 1. She (Witness 4) heard the gunshot. (Att. #16)

In an interview with IPRA on 27 May 2008, Witness 2 stated that she is the sister of Witness 3. Witness 2 was sleeping when she noticed something move near the window. Witness 2 got up and saw that Subject 1's head was almost inside the window. Subject 1 told her to open the window. Witness 2 instead told Subject 1 that she would open the door. Subject 1 immediately ran for the door but Witness 2, instead of opening the door, took her children to the first floor of the residence. Witness 2 stated that Subject 1 then kicked the basement door open and immediately went to the upstairs bedroom of Witness 3

and their mother Witness 4. Meanwhile, Witness 2's sister Witness 1 called the police. Subject 1 punched the bedroom door until Witness 3 opened it. Subject 1 immediately grabbed Witness 3 by the neck from behind with his forearm and placed a red, long knife with edges against her neck. Subject 1 yelled at Witness 3 in English while Witness 3 tried to calm him down. Witness 2 observed that Subject 1 had left a small hammer on the floor, which she attempted to grab, but Subject 1 grabbed it first. Subject 1 then attempted to stab Witness 3 but missed, striking the wall instead. Subject 1 also threatened her and Witness 5 with the knife. Subject 1 also threatened Witness 5 again with the knife when he (Witness 5) attempted to call the police. Subject 1 then forced Witness 3 downstairs to the living room, holding her from behind in a chokehold. Witness 4 stayed upstairs with the baby. Witness 2 initially followed Subject 1 and Witness 3 downstairs but then took her children upstairs to her mother's bedroom. Witness 2 did not see or hear the officers enter the house nor did she see or hear the shot fired. Witness 2 did not see when Subject 1 struck Witness 3 on the leg with the small hammer but her mother (Witness 4) told her later that Subject 1 had struck Witness 3. Witness 2 also later learned from Witness 4 that at some point Witness 4 went downstairs to the kitchen and remained in the kitchen when Subject 1 was holding Witness 3 and threatening her with the knife. However, Witness 2 did not believe that Witness 4, her mother, saw what happened between Subject 1 and the officers. Witness 2 did not go back downstairs until the police arrived and took Subject 1 out of the house. (Att. #17)

In an interview with IPRA on 27 May 2008, Witness 5 stated that he is the nephew of Witness 3 living at the same residence in the basement. Witness 5 stated that he was sleeping in the basement where his mother Witness 2 and his two sisters were also sleeping. Witness 5 woke up because his mother was saying "That black guy is here." Witness 5 observed Witness 3's ex-boyfriend Subject 1 poking his head through the basement window. Witness 5 told Subject 1 that he would open the door for him and Subject 1 left the window and walked towards the door. Witness 2 closed the window and Witness 5 ran upstairs and grabbed a phone as he and his mother and sisters tried to go upstairs to a third floor bedroom.

Subject 1 kicked the door open on the main level of the house, entering through the kitchen where Subject 1 then saw Witness 5, his mother and sisters and his aunt Witness 1. Subject 1 threatened Witness 5 with a knife so Witness 5 dropped the phone and was unable to call the police. Subject 1 went upstairs and Witness 5, his mother, aunt and sisters followed behind him. Subject 1 searched the rooms upstairs for Witness 3 but then began hitting a locked door with his shoulders in an effort to open the door. Witness 5 and his mother stayed in the hallway with Subject 1 and his sisters went to another room. Witness 5 saw that there was a couch up against the door in an effort to stop Subject 1 from entering the room. Witness 5 yelled for Witness 3 to open the door so Subject 1 would calm down. Witness 3 opened the door. Subject 1 entered the room looking for his daughter and when he did not see her, he grabbed Witness 3 by the neck and put a kitchen knife to her neck. Everyone yelled for Subject 1 to let

her go and Witness 4 came out of the room holding the baby and told Subject 1 to take the baby. Subject 1 said the baby was not his but was Witness 5's. Subject 1 continued to threaten Witness 3 with a knife. The small hammer he had fell to the floor and Witness 2 went to grab it but Subject 1 grabbed it first and then threatened to stab her (Witness 2). Subject 1 picked up the hammer and struck Witness 3 in the leg. Subject 1 tried to stab Witness 3 but missed and the knife stuck in the wall instead. Subject 1 then went downstairs holding Witness 3 by the neck with his arm and with the knife in his hand. Witness 5 stayed upstairs. Witness 4 followed Subject 1 downstairs taking the baby with her. Witness 1 was able to call the police. Witness 5 saw the police arrive and several minutes later heard a gunshot but did not see who fired the weapon or what happened. Witness 5 heard one of the officers tell Subject 1 in English several times to drop the knife before he heard the gunshot. Witness 5 only heard one shot and did not know which officer fired the weapon. (Att. #18)

The IPRA attempted to contact Witness 3 on 25 June 2008 via telephone. Witness 4 answered and advised that Witness 3 was in school. Witness 4 was asked to have Witness 3 contact the IPRA. A letter was also sent to Witness 3, requesting an interview. A personal visit was also conducted to Witness 3's home; however Witness 3 did not cooperate with the IPRA investigation. (Att.# 27, 29, 51)

Department Reports provide an account of the incident that is consistent with the Summary of Incident. Department reports further indicate that Officer A fired his weapon once at Subject 1 who had broken into a residential dwelling,

and during a domestic dispute, was holding a knife to the neck of Witness 3 threatening to kill her. Subject 1 refused to drop his weapon after repeatedly being ordered to do so. Officer A, who was in fear for his life, his partner's life, and victim Witness 3's life, fired one shot and disabled Subject 1. (Att. #8-10, 35, 36, 43)

The Assistant Deputy Superintendent ("ADS") report from Deputy Chief Samuel T. Christian included an account of the incident that is consistent with the Summary of Incident. (Att. #5)

A canvass was conducted by the IPRA, however no witnesses were located. (Att. #24)

The Chicago Fire Department ("CFD") Ambulance Record indicates that the ambulance personnel found Timmy Doe, now known as Subject 1, on the floor at a residence on the 2600 Block of N. Oak Park Avenue suffering from a gunshot wound to the chest. Subject 1 was transported to Loyola Hospital. (Att. #19)

The CFD Ambulance Record indicates that the ambulance personnel found Witness 3, at a residence on the 2600 Block of N. Oak Park Avenue suffering from a stab wound/laceration wound to the throat. Witness 3 was transported Illinois Masonic Hospital. (Att. #20)

The Tactical Response Report from Officer A indicates that he fired his weapon one (1) time. (Att. #9)

The Case Supplementary Report from Area 5 includes accounts of the incident that are consistent with the Summary of Incident and the accounts provided at the Roundtable. (Att. #36)

The Case Supplementary Report further indicates that Witness 3 related to Detectives that she was at home sleeping with her baby and was in her mother, Witness 4's bedroom because her ex-boyfriend, Subject 1, had threatened to kill her. Witness 3 was awakened by her sister, Witness 1, screaming that Subject 1 was in the house. The bedroom door was already locked so Witness 3 immediately pushed a sofa in front of the door to block it and called 911. Her mother grabbed the baby and hid with her behind the headboard of the bed. Subject 1 started pounding on the door and soon broke through the locked door. When Witness 3 saw Subject 1 she observed that he was holding a knife in one hand and a hammer in the other. Subject 1 was screaming that he wanted to see the baby. Witness 4 came out from behind the headboard and showed Subject 1 the baby. Witness 3 hoped this would calm Subject 1 down but it did not.

Subject 1 grabbed Witness 3 around her neck and placed the knife to her neck then forced her down the stairs and into the kitchen. A police officer walked in through the rear kitchen door and when Subject 1 saw the officer he dragged her into the living room while still holding the knife against her neck. The officer followed them into the living room and ordered Subject 1 to drop the knife several times. Subject 1 yelled at the officer, "Shoot me!" The officer responded that he did not want to shoot Subject 1. Subject 1 moved Witness 3 to the northwest

corner of the living room with their backs against the wall. Subject 1, who was standing behind Witness 3, was still holding her neck in a chokehold with his left arm and held the knife against her neck in his right hand. The police officer then fired at Subject 1 once and Subject 1 fell to the floor. Just as the officer shot Subject 1, Subject 1 cut her neck with the knife. After Subject 1 fell Witness 3 stated she ran through the kitchen to her sister's residence, in the rear of the residence. (Att. #36)

The Office of Emergency Management and Communications ("OEMC") recordings and related Event Query provide information consistent with the Summary of Incident. A "911" call was placed by a female requesting the police because her sister's ex-boyfriend had broken in with a knife and was hurting her sister; a notification of shots fired was made; a female caller stated she was scared because her ex-boyfriend was inside the house harassing her and he was armed with a knife; a caller, gender unknown, stated they needed help and said to "hurry." (Att. #21)

The Evidence Technician Photographs and Videotape depicts the location of the incident, recovered evidence, and Witness 3. (Att. #13, 50)

A report from the Illinois State Police ("ISP") Division of Forensic Services dated 16 June 2008, indicates that one (1) fired bullet and one (1) fired cartridge case were fired from Officer A's weapon, a Sig Sauer, Model P220. Officer A's weapon was test fired and found to be in firing condition. (Att. #45)

A report from the ISP dated 25 September 2008, indicates that the recovered knife and hammer did not have blood indicated but swabbing was collected and preserved from both. (Att. #46)

A report from the ISP dated 10 October 2008, indicated one latent lift obtained from the basement window was suitable for comparison. Comparison revealed that the impression was made by Subject 1. (Att. #47)

**CONCLUSION AND FINDING:**

This investigation found that the use of deadly force by Officer A was in compliance with Department policy. According to the Chicago Police Department's General Order No. 02-08-03, III. *Department Policy:*

- 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 involved 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."

Officer A's reactions were based upon the actions of Subject 1 who was holding a knife and threatening to kill Witness 3. Officer A announced his office and repeatedly asked Subject 1 to drop the knife. Subject 1 committed a forcible felony by breaking and entering the residence and taking Witness 3 hostage. Subject 1 was threatening to use physical force and kill Witness 3. Officer A was reasonably in fear for the life of Witness 3, who was in fact, in imminent danger as Subject 1 held the knife to her throat, threatened to cut her throat and kill her.