

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

INVESTIGATION

NUMBER: Log #1017857 / U# 08-24

OFFICER #1

INVOLVED: “Officer A” (Chicago Police Officer); Male/White; 60 years old; On-Duty; In Uniform; Year of Appointment – 1981

OFFICER #1’s

INJURIES: Multiple Gunshot Wounds. Fatal.

OFFICER #2

INVOLVED: “Officer B” (Chicago Police Officer); Male/White; 38 years old; On-Duty; In Plainclothes; Year of Appointment – 1997

OFFICER #2’s

INJURIES: None reported.

OFFICER #3

INVOLVED: “Officer C” (Chicago Police Officer); Male/White; 33 years old; On-Duty; In Plainclothes; Year of Appointment – 1998

OFFICER #3’s

INJURIES: None reported.

OFFICER #4

INVOLVED: “Officer D” (Chicago Police Officer); Male/White; 44 years old; On-Duty; In Plainclothes; Year of Appointment – 2001

OFFICER #4’s

INJURIES: None reported.

OFFICER #5

INVOLVED: “Officer E” (Chicago Police Officer); Male/Black; 40 years old; On-Duty; In Plainclothes; Year of Appointment – 1999
Did not discharge a firearm.

OFFICER #5’s

INJURIES: None reported.

SUBJECT: “Subject 1”; Female/Black; 25 years old

SUBJECT’S

INJURIES: Multiple gunshot wounds. Critical Condition. Treated at Illinois Masonic Hospital.

INDEPENDENT POLICE REVIEW AUTHORITY
Log #1017857/#08-24

INITIAL

INCIDENT: Disturbance.

DATE/TIME: 02 July 2008, 0153 Hours

LOCATION: 2401 W. Belmont
Beat 1913

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

SUMMARY OF INCIDENT:

On 02 July 2008, at approximately 0153 hours, CTA Bus #6849 was traveling east on Belmont and when it stopped at Western Ave., passenger Witness 2 exited the bus. Subject 1 inexplicably approached Witness 2 and followed closely behind her. Witness 2 re-boarded the bus in an attempt to get away from Subject 1, but Subject 1 followed her. The bus driver, Witness 1, waved down Beat 1911, Officer A, who was assigned to a marked squad car and working alone. Officer A parked his squad car in front of the bus, exited the car and spoke with Witness 2. When Officer A attempted to escort Subject 1 away from the bus, she began to struggle with him. Beats 1912 (Officers D and E) and 1904A (Officers B and C) arrived to assist Officer A. As they pulled up they saw Officer A struggling with Subject 1. As they stopped and exited their squad cars, Officers B, C, D and E heard a gunshot. The officers saw Subject 1 holding a handgun. Subject 1 ignored the officers' orders to drop the gun, and instead fired at the four officers. Officers B, C, and D fired their weapons at Subject 1. Officer E did not fire because he did not have a clear line of fire. Subject 1 fell to the street and crawled under the trunk of Officer A's squad car. The officers moved Officer A's car and placed Subject 1 into custody.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

INVESTIGATION:

Subject 1 refused to be interviewed regarding this incident.

In a statement to the **Roundtable Panel** on 02 July 2008, Witness 1 stated that on the night of the incident she was driving CTA Bus #6849 east on Belmont. At Western Ave. a passenger (NKA Witness 2) exited the bus. Witness 1 stated that she watched Witness 2 walk east across Western Ave. and saw another passenger, Subject 1, following Witness 2 as she crossed the street. Witness 1 waved to Witness 2 to come back to the bus. Witness 2 and Subject 1 boarded the bus and Witness 1 told Witness 2 that she would call the police. Witness 2 told Witness 1 that she did not know Subject 1, and that Subject 1 was “freaking her out.” Witness 1 stated that Subject 1 kept putting her hand into her own shirt. Subject 1 also repeatedly exited and entered the bus. Witness 1 stated that she saw Officer A’s squad car and honked and waved to Officer A. Officer A parked the squad car facing the bus. Witness 1 went to the squad car and told Officer A that Subject 1 was harassing Witness 2. Witness 2 told Officer A that she had to go to the bathroom and that she just wanted to go home. Officer A told Witness 2 she could leave. Subject 1 then exited the bus and approached Officer A’s squad car. Witness 1 walked back to her bus and boarded it. Witness 1 looked out and saw Subject 1 on the ground. A passenger said, “She has a gun.” Witness 1 began to walk to the back of the bus when she heard a gunshot. Witness 1 ran to the rear door of the bus for cover, heard several more gunshots and saw police officers on the outside of the passenger side of the bus. Witness 1 stated that she never saw Officer A or Subject 1 with a gun.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

In a statement to IPRA on 02 July 2008, Witness 1 stated that on the night of the incident she was driving CTA Bus #6849 on Route 77 east on Belmont Ave. At Western Ave. a female passenger (NKA Witness 2) exited the bus. Witness 1 stated that as Witness 2 walked east across Western Ave., she was followed by another female (NKA Subject 1) who had been waiting at the bus stop. Witness 1 stated that Subject 1 was following Witness 2 very closely. Witness 2 turned around and tried to keep Subject 1 from following her. Witness 2 then tried to walk away from Subject 1 but Subject 1 would not move away from her. Witness 2 then looked at Witness 1 for help. Witness 1 waved to Witness 2 to return to the bus. Witness 2 and Subject 1 both walked back to the bus and boarded it. Witness 1 then saw a marked Chicago Police Squad car driving north on Clybourn. Witness 1 honked the horn several times and waved her arms to alert the officer (NKA Officer A). Officer A parked his squad car directly in front of Witness 1's bus. Witness 1, Witness 2, and Subject 1 exited the bus. Witness 1 walked to the squad car and spoke with Officer A, telling him that Subject 1 was harassing Witness 2. Witness 2 asked if she could leave and then left the scene. Witness 1 stated that she boarded her bus and looked out the window at Officer A. Witness 1 saw Officer A struggling with Subject 1 on the street. Witness 1 saw Subject 1 fall to the ground and then heard one of the other passengers on the bus say, "She has a gun." Witness 1 did not see Officer A or Subject 1 holding a gun during the struggle. Witness 1 began to walk to the rear of the bus when she heard a gunshot. Witness 1 did not see who fired that shot. Witness 1 ran to the area near the bus' rear side door for cover. Witness 1 then heard several additional gunshots but did not see who was shooting. Witness 1 saw several

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

additional squad cars and police officers on the scene. An officer told Witness 1 and the passengers to remain on the bus until they went to Area Three Police Headquarters.

In a statement to the **Roundtable Panel** on 02 July 2008, Witness 2 stated that she boarded the eastbound Belmont bus at Kimball Ave. At Western Ave., Witness 2 exited the bus and walked east toward Western Ave. when she noticed Subject 1 following her. Witness 2 stated that Subject 1 was directly behind her, pressing her body against Witness 2's. Witness 2 asked Subject 1, "What's going on?" and Subject 1 replied, "Well, you made me this way." Witness 2 tried to prevent Subject 1 from following her and was concerned that Subject 1 would stab or shoot her. Witness 2 attempted to avoid Subject 1. Witness 2 told Witness 1 that she did not know Subject 1, and that Subject 1 was "bothering" her. Witness 1 told Witness 2 to get back on the bus and Witness 2 attempted to call "911." Witness 2 continued to avoid Subject 1 as Subject 1 repeatedly tried to get behind Witness 2. Witness 2 stated that Subject 1 was acting like a "crazy person." Witness 2 stated that when she saw Officer A's squad car pull up she waved to him. Witness 2 exited the bus and told Officer A that Subject 1 was harassing her and that she did not know Subject 1. Witness 2 also told Officer A that she needed to use the washroom and would come back after she used the one in the gas station on the east side of Western Ave. As Witness 2 walked toward the gas station, she heard a male voice say words to the effect of, "Hold it," "Stop," or "Come here," followed by a commotion behind her. Witness 2 turned around and saw Officer A struggling to restrain Subject 1. Subject 1 was able to slip out of Officer A's grasp. Additional squad cars arrived and stopped. Witness 2 heard a gunshot and someone said, "She has a gun."

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

Witness 2 stated that after she heard the gunshot she saw Officer A fall down. Witness 2 also saw Subject 1 holding a gun as she stood near Officer A's squad car. Witness 2 took cover behind a dark-colored unmarked squad car. Witness 2 heard additional gunshots as well as people yelling, "Drop the gun! Put your gun down!" and, "An officer is down!" Witness 2 attempted to "peek" to see what was happening but an officer told her to "stay down."

In a statement to IPRA on 02 July 2008, Witness 2 stated that she was a passenger on the CTA bus that was traveling east on Belmont. Witness 2 stated that she exited the bus at Western Ave. so that she could use the restroom of a nearby gas station on the southeast corner of Western and Clybourn. As she stepped off of the curb Witness 2 felt someone press against her back. Witness 2 stated that she saw a black female (NKA Subject 1) continue to press her body against Witness 2's back. Witness 2 told her to get away from her. Subject 1 replied, "You made me this way" among other things Witness 2 could not make out. Witness 2 stated that she asked passersby for help and waived to the driver of the eastbound Belmont bus. Witness 2 got back onto the bus and told the driver (NKA Witness 1) that Subject 1 was bothering her. Witness 2 stated that Subject 1 had also got on the bus and would not get away from her. Witness 2 was about to call 911 on her cell phone when she saw a marked squad car driving northwest on Clybourn Ave. Witness 2 and Witness 1 waved down the car. Officer A stopped and Witness 2 and Witness 1 exited the bus to speak to him. Witness 2 told Officer A about Subject 1, who was still aboard the bus. After speaking with Officer A, Witness 2 started to walk across the street to the gas station to use the restroom. Witness 2 heard "shuffling" and

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

Officer A saying something to the effect of, "Hold it." Witness 2 saw Officer A attempting to restrain Subject 1, who was now off of the bus. Witness 2 did not see anything in Officer A's hands as he tried to restrain Subject 1. Witness 2 then saw another squad car approaching. Witness 2 stated that while her attention was focused on the approaching squad car she heard a single gunshot. Witness 2 turned back to Officer A and Subject 1. Witness 2 now saw Subject 1 holding a "shiny" gun in her hand. Witness 2 also saw Officer A fall to the ground. Witness 2 heard voices saying, "Officer down!" Witness 2 then heard multiple gunshots and took cover behind an unmarked squad car. Witness 2 saw Subject 1 wave the gun around. An officer told Witness 2 to stay down until the shooting stopped.

In a statement to IPRA on 02 July 2008, Witness 3, a CTA Bus Driver, stated that he was driving his bus west on Belmont Ave. Witness 3 stated that he stopped at the red light at the intersection of Belmont and Western Avenues. Witness 3 saw an eastbound CTA bus stopped at the same red light across the intersection. Witness 3 stated that he saw the driver of the eastbound CTA bus, Witness 1, waving her hand outside the window. Witness 3 saw a marked squad car pull up and park in front of Witness 1's bus. Witness 1 and a female passenger got out and spoke with the officer (NKA Officer A). Several moments later Officer A walked toward the bus and motioned to a black female passenger (NKA Subject 1) to exit the bus. Subject 1 violently shook her head "no" while swinging her arms in the air. Subject 1 suddenly ran off of the bus and attempted to run past Officer A but Officer A grabbed her shoulder. Witness 3 stated that Subject 1 swung her arms and twisted her body in an effort to free herself from Officer A's grasp.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

Officer A held Subject 1 in a “headlock” and attempted to force her to the ground. Subject 1 continued to struggle with Officer A by swinging her arms and moving her body. Witness 3 saw another marked squad car and an unmarked squad car pull up. Witness 3 stated that he suddenly heard a single gunshot and saw Officer A’s head “jerk” backwards and then forward. Officer A then fell forward to the ground.

Witness 3 heard the other officers repeatedly yell, “Drop the gun,” followed by several more gunshots originating from Subject 1’s direction. Witness 3 stated that the plainclothes officers “scattered” behind their vehicles. Witness 3 and the passengers on his bus fell to the floor for cover. Witness 3 “peeked” through the windshield and saw the other officers discharging their firearms. Witness 3 saw Subject 1 crawl under Officer A’s parked squad car. Witness 3 saw one of the plainclothes officers run to Officer A’s vehicle and attempt to pull Subject 1 from underneath it, but Subject 1 kicked at the officer. A uniformed officer then got into Officer A’s squad car and moved it forward. Additional police officers began to arrive and administered aid to Officer A and to Subject 1. Subject 1 stated that he did not see Subject 1 with a firearm, but he did hear gunshots coming from her location. Witness 3 stated that the responding officers did not fire their weapons until after they were fired upon and ran behind their vehicles for cover. Witness 3 also stated that Officer A did not move after he fell forward to the ground.

In a statement to IPRA on 02 July 2008, Witness 4 stated that he was working at the Marathon Gas Station located at Clybourn and Western Ave. when the incident occurred. Witness 4 saw a black female (NKA Subject 1) walking around the gas station

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

lot and then standing at the bus stop at Western Ave. Witness 4 saw the eastbound Belmont bus stop at Western Ave. Witness 4 did not see the bus driver exit the bus, but he did see a marked Chicago Police Car park in front of the bus. Witness 4 continued to work but a few moments later he saw a female black Subject 1 grab a male police officer (NKA Officer A) and fight him on the side of the squad car parked in front of the bus. Witness 4 heard Officer A yell, "Halt! Stop what you're doing! Freeze!" Witness 4 stated that Officer A and Subject 1 fell to the ground and then he heard a gunshot. Witness 4 did not see Officer A or Subject 1 holding a gun. When Lewis heard the gunshot he dropped to the ground. Witness 4 then heard several more gunshots. Witness 4 crawled inside the gas station and called "911."

In a statement to IPRA on 02 July 2008, Witness 5 stated that on the night of the incident he was a passenger in a car driven by his brother, Chicago Police Officer Romero Aguirre. Witness 5 stated that they were driving north on Western Ave. in the left turn lane waiting to go west on Belmont Ave. when Witness 5 saw two women (NKA Witness 2 and Subject 1) "arguing or talking" on the northwest corner of Belmont and Western Ave. Witness 5 saw a marked police car parked in front of a bus that was facing Officer G's vehicle. Witness 5 stated that Subject 1 began to fight with a male police officer (NKA Officer A). Witness 5 saw Officer A hold his hands in front of him as if he were attempting to calm Subject 1. Subject 1 then pushed Officer A and they began to struggle. Witness 5 saw Officer A and Subject 1 fall to the ground. About two seconds later Witness 5 heard a gunshot. Witness 5 then saw approximately four male plainclothes officers fire their guns. Officer G told Witness 5 to get on the floor of the

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

car. Witness 5 heard multiple gunshots while he was on the floor of Officer G's car. Witness 5 stated that he did not see a flash and he did not see either Officer A or Subject 1 with a gun when they were struggling.

In a statement to IPRA on 02 July 2008, Witness 6 stated that on the night of the incident he was southbound on his bicycle on Western Ave. when he stopped at Belmont Ave. because he saw a marked Chicago Police squad car drive west on Belmont. Witness 6 stated that the squad car drove across Western Ave. and stopped in front of a CTA bus that was eastbound on Belmont. Witness 6 first saw a white male uniformed officer (NKA Officer A) escort a black female (NKA Subject 1) from the bus to the squad car. As they got closer to the squad car Subject 1 began to walk faster. Officer A grabbed one of Subject 1's wrists but Subject 1 "forcefully" attempted to get away from Officer A. Officer A tried to pull Subject 1's arms behind her back. Witness 6 stated that Subject 1 pushed Officer A. Witness 6 saw Subject 1 fall to the ground and he then heard a gunshot. Subject 1 heard several more gunshots and saw Officer A fall to the ground. Witness 6 saw a second white squad car pull up and two officers exited that car. Witness 6 then heard "a lot" of gunshots. Witness 6 recalled hearing gunshots before the second two officers fired their weapons. Upon hearing the gunshots Witness 6 moved north on Western Ave. and took cover behind a light pole. Witness 6 stated that never saw Officer A or Subject 1 holding a gun at any time during the incident.

In a statement to IPRA on 02 July 2008, Witness 7 stated that he and his friend, Witness 8, were standing in the bus shelter on the northwest corner of Belmont and

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

Western Ave. Witness 7 saw an eastbound CTA bus on Belmont Ave. and in front of the bus was a marked Chicago Police squad car. Witness 7 also saw two or three other squad cars in the intersection and a "non-white person," who appeared to be "bloody," lying on the street. Witness 7 heard several gunshots but he could not tell who was firing. Witness 7 and Witness 8 took cover behind a southbound bus. While he was behind that bus Witness 7 heard several more gunshots. When the gunshots stopped Witness 7 saw numerous squad cars in the vicinity. Witness 7 saw a police officer and the "bloody person" being placed into separate ambulances.

In a statement to IPRA on 02 July 2008, Witness 8 stated that she and her friend, Brad Witness 7, exited a southbound Western Ave. bus at Belmont. Witness 8 saw a marked squad car parked in front of an eastbound Belmont bus. Witness 8 stated that the squad car's driver's door was open and that she saw what looked like two people struggling. Witness 8 explained that because the driver's door was open she could not clearly see the two people involved in the struggle. Witness 8 turned to Witness 7 and said, "Look at that." Witness 8 then heard a gunshot. Witness 8 and Witness 7 ran to the rear of the bus for cover. Witness 8 heard numerous gunshots. After the gunshots stopped Witness 8 saw numerous police vehicles on the scene.

In a statement to IPRA on 02 July 2008, Witness 9 stated he was driving south on Western Ave. when he stopped behind several cars and a CTA bus at the red light at Belmont Ave. Witness 9 stated that he heard three gunshots and "ducked down" in his car. The car in front of Witness 9 made a U-turn and drove north on Western Ave.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

Witness 9 then heard several more gunshots. Witness 9 saw a police vehicle drive south on Western Ave. A police officer approached Witness 9 and told him to get into his squad car. The officer first drove Witness 9 to a gas station at Clybourn and Belmont and then to the Area Headquarters. Witness 9 stated that he did not see who was shooting.

In a statement to IPRA on 02 July 2008, Witness 10 stated that she was traveling north on Western Ave. and stopped in the left turn lane at the red light at Belmont Ave. Witness 10 saw a CTA bus stopped on the southeast corner of the intersection. Witness 10 also saw a male/white uniformed officer (NKA Officer A) holding a black female (NKA Subject 1) by her right arm. Subject 1 appeared to be struggling with Officer A by swinging her free arm and moving her body in an attempt to free herself from Officer A. Subject 1 broke free from Officer A and Officer A grabbed her from behind. Officer A and Subject 1 fell to the ground and continued to struggle. Officer A was able to stand up and Subject 1 got to her knees. Witness 10 stated that as she “stared” at Officer A, she heard two gunshots. Officer A fell backwards to the ground and did not move. Witness 10 then saw two other police vehicles arrive on the scene. Witness 10 began to drive to her office at 3XXX N. Clybourn but before she drove away from the scene she heard another gunshot. As Witness 10 drove away from the scene she heard several more gunshots. Witness 10 stated that she did not see Subject 1 shoot Officer A.

In a statement to IPRA on 02 July 2008, Witness 11 stated that he was driving west on Belmont Ave. Witness 11’s friend, Witness 13, and his roommate, Kyle Witness 12, were in the car with him. Witness 11 stated that he was stopped at the red light at

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

Western Ave. when he saw an eastbound CTA bus stopped across the intersection from him. Two marked squad cars were parked at angles in front of the bus. Witness 11 saw several police officers standing behind the two squad cars. Witness 11 also heard several gunshots that sounded as if they came from outside the bus. Witness 11 heard the gunshots, drove through the intersection and proceeded to the rear of his apartment building where he was stopped by two uniformed officers in a marked squad car. The officers took Witness 11 out of his car and handcuffed him. Witness 11 was released after being questioned by the officers.

In a statement to IPRA on 02 July 2008, Witness 12 stated he was sitting in the front seat of Witness 11's vehicle and that they were stopped at the red light at Belmont and Western Avenues. Witness 12 saw a CTA bus facing them from across the intersection. There were at least two marked squad cars, with their emergency equipment activated, stopped in front of the bus but he did not see anyone. A few seconds later Witness 12 heard "lots" of gunshots. Witness 12 stated that after hearing the gunshots Witness 11 drove through the intersection and to the rear of their apartment building where they were stopped by two uniformed police officers. After the officers questioned them they were released. Witness 12 stated that he never saw anyone firing a gun, and explained that he only heard the gunshots.

In a statement to IPRA on 03 October 2008, **Witness 13** stated that on the night of the incident she was a passenger in a vehicle driven by her boyfriend, Witness 11. Witness 13 stated that when they were in the vicinity of Belmont and Western Avenues

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

she heard several gunshots. Fearing for their safety Witness 11 drove away from the area. Witness 13 stated that they were pulled over by two police officers that questioned them about their knowledge of the shooting. Witness 13 stated that she did not see the shooting and that she "barely remembers anything" from the time of the shooting. Witness 13 stated that she was highly intoxicated from a night of heavy drinking.

In a statement to IPRA on 23 September 2008, Witness 14 related that on the night of the incident she was at work as a dispatcher for American United Cab Company, 2353 W. Belmont. Between 0030 hours and 0100 hours Witness 14 was on a fifteen minute break. Witness 14 was sitting in a break room on the second floor. Witness 14 looked out a window that overlooks the intersection of Western and Belmont Avenues and saw a black female (NKA Subject 1) walking around the intersection and acting "strangely." Witness 14 stated that Subject 1 was talking to herself, stomping her feet, and waving her arms and pointing her fingers "at nothing." Witness 14 went back to work after her break was over. About an hour later Witness 14 stated that she heard what sounded like gunshots. Witness 14 stated at first she heard just one or two gunshots, but a few moments later she heard several additional gunshots. Witness 14 ran to a window and saw two marked squad cars facing a bus. Witness 14 saw an unmarked maroon squad car arrive and heard a white male plainclothes officer yell, "Get down!" at someone on the other side of the squad cars. Witness 14 saw a beige car drive away and one of the marked squad cars followed it at a high rate of speed. Witness 14 assumed that there had been a "drive-by." A few moments later Witness 14 saw firefighters and paramedics arrive. Witness 14 then saw the paramedics attending to a police officer who had been

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

shot. Witness 14 stated that she never saw anyone fire a gun.

In a statement to IPRA on 07 October 2008, **Witness 15** stated that she was at work at the American United Cab Company with Witness 14 on the night of the incident. Witness 14 said, "Look at that lady," and Witness 15 got up from her chair and looked out the window. Witness 15 saw a black female at the end of the block. Approximately thirty to forty minutes later Witness 15 went up to the roof to take a break and from the roof she saw the same black female walking around "aimlessly." Witness 15 stated that when her break was finished she went back to work. Some time later Witness 15 heard four or five gunshots, and then several additional gunshots in rapid succession. When Witness 15 did not hear anymore gunshots she went to the window and saw an unmarked squad car blocking her view. Witness 15 saw the black female behind a car. Witness 15 also saw a "mass exodus" from the police station.

In a statement to IPRA on 07 October 2008, **Witness 16** stated that on the night of the incident she was at work as a dispatcher at the American United Cab Company. Witness 16 stated that she was on the roof of the building smoking a cigarette when she saw a black female (NKA Subject 1) walking in the intersection from "corner to corner, bus stop to bus stop." Witness 16 described Subject 1 as looking "agitated" and "not right." About forty-five minutes later, Witness 16 heard a car horn, a female screaming and then numerous gunshots. Witness 16 went to the window that faces west and saw Subject 1 and a police officer (NKA Officer A) on the ground. Witness 16 saw about five police officers approach Subject 1 with their guns pointed at her. The officers

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

yelled, "Don't move! Stay down!" Witness 16 stated that Subject 1 was moving, but Officer A was not. An ambulance arrived shortly thereafter.

In a statement to IPRA on 19 December 2008, **Witness 17** stated that on the night of the incident she was at work as a dispatcher at American United Cab Company. Witness 17 stated that at about 0100 hours she saw a black female (NKA Subject 1) standing in the middle of the intersection of Belmont and Western. Approximately thirty minutes later Witness 17 heard a car horn. Witness 17 looked outside and saw Subject 1 standing with another female near the door of the eastbound Belmont bus. The bus driver was honking the horn. Witness 17 saw a marked squad car pull up and stop in front of the bus. Witness 17 went back to work but minutes later she heard a gunshot. Witness 17 looked out the window and saw that the northbound Western bus was stopped past the intersection. Witness 17 heard several more gunshots and saw the passengers on the northbound bus "ducking down." Witness 17 realized that she was hearing gunshots and ran away from the window and into an interior room in the building. Witness 17 did not see anyone shooting a gun or see anyone get shot.

In a statement to IPRA on 02 July 2008, Witness 18 stated he was "working the door" at Underbar, 3243 N. Western, on the night of the incident and that he stepped outside and heard a car horn being repeatedly sounded as if to get someone's attention. Witness 18 saw an eastbound CTA bus stopped at Western Ave. A second CTA bus that was traveling south on Western Ave. stopped at Belmont and blocked Witness 18's view of the first bus. About twenty seconds later Witness 18 heard a single gunshot. After a

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

short pause, Witness 18 heard two more gunshots. Witness 18 then saw a white male police officer exit an unmarked squad car. The officer moved around the squad car and took a “firing stance” in the direction of the Belmont bus. Witness 18 then heard numerous gunshots, followed by additional squad cars and police officers on foot moving towards the Belmont bus. Witness 18 stated that when he realized that he was hearing gunshots he got the attention of an off-duty police officer, Officer F, who was a patron in the bar. Witness 18 stated that Officer F used his cell phone to report the shots fired. A short time later, Fire Department personnel arrived on the scene. Witness 18 stated that that he did not see anyone fire a gun or see anyone get shot. Witness 18 explained that he only heard the gunshots.

The **Detective Supplemental Report** indicates that Witness 19 stated that he was at the bus stop on the southwest corner of Belmont and Western. Also at the bus stop was a stocky black female (NKA Subject 1). Witness 19 stated that as they waited for the bus Subject 1 began “pacing about.” Witness 19 said to her, “The bus will be coming in a few minutes.” Subject 1 replied, “Who are you?” Witness 19 stated that the bus arrived and a Hispanic female (NKA Witness 2) exited the front door of the bus. Subject 1 followed very closely behind Witness 2. Witness 19 stated that Witness 2 became scared and got back onto the bus, still followed closely by Subject 1. Subject 1 followed Witness 2 off of the bus and Witness 2 walked in various directions, as if trying to get away from Subject 1. Witness 19 stated that the bus driver (KNA Witness 1) honked the horn and motioned to a police car. Witness 2 and Subject 1 both entered the bus again. A police car parked in front of the bus. Witness 2 and Witness 1 exited the bus and

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

approached the police officer. Subject 1 remained on the bus this time. After Witness 2 and Witness 1 spoke with the officer (NKA Officer A), he began to walk toward the bus. Subject 1 exited the bus and approached Officer A. Witness 19 stated that Officer A grabbed Subject 1 as if to walk her toward the squad car. Subject 1 began to struggle and pulled away from Officer A. Officer A tried to hold onto Subject 1, but she broke away and fell to the ground on the side of the police car. Witness 19 states that Subject 1 got up and “reached into her shirtfront.” Witness 19 then heard a gunshot and saw Officer A fall to the ground. Witness 19 stated that when he heard more gunshots, he “hit the floor” and then heard several more gunshots. When the shooting stopped, Witness 19 looked up and saw that other officers pulled Subject 1 out from under the squad car and arrested her.

The **Detective Supplemental Report** indicates that Witness 20 stated that he was sitting in the last seat on the left side of the bus when he observed a marked police car stop in front of the bus. An officer (NKA Officer A) exited the squad car and approached a black female (NKA Subject 1). Witness 20 stated that Officer A and Subject 1 briefly spoke, and it appeared that Officer A was attempting to calm Subject 1 down. Witness 20 stated that Officer A attempted to grab Subject 1’s arm, but she pulled away and began struggling with Officer A. During the struggle Officer A and Subject 1 fell to the ground. Witness 20 then heard a gunshot, followed by an additional two or three gunshots. Witness 20 stated that he got on the floor when he heard the gunshots. Witness 20 stated that he looked up and saw a “detective” crouched by an unmarked maroon squad car firing a handgun at Subject 1. Witness 20 ducked down again until the

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

shooting stopped.

The **Detective Supplemental Report** indicates that Subject 1's brother and daughters were interviewed and informed detectives that Subject 1 had a history of seizures and heroin and cocaine use. Subject 1's family members also stated that Subject 1 suffered from mental illness and had been institutionalized in Illinois and Michigan.

The **Case, Arrest, and Tactical Response Reports** contained accounts of the incident that were consistent with the accounts provided to the Roundtable panel and the Summary of Incident. The reports indicate that Subject 1 followed a female passenger (NKA Witness 2) off of a CTA bus. The bus driver, Witness 1, saw Subject 1 following closely behind Witness 2 and told Witness 2 to get back on the bus and she would call the police. Subject 1 followed Witness 2 back onto the bus. Witness 1 waved down Officer A and told him that Subject 1 was bothering Witness 2. Officer A told Witness 2 that "everything was OK" and that she could leave. Officers B, C, D, and E arrived on the scene and observed Officer A struggling with Subject 1. During the struggle Subject 1 shot Officer A on his face. After Officer A collapsed to the ground Subject 1 fired multiple rounds at the other officers. The officers returned fire and struck Subject 1. Subject 1 fell to the ground and crawled under Officer A's squad car. Officers attempted to pull Subject 1 from under the car but she wedged herself under the vehicle. Officer C moved Officer A's squad car forward, allowing the other officers to take Subject 1 into custody. The reports indicated that during the incident Officer C discharged his firearm five times, Officer B eight times, and Officer D three times.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

The **Crime Scene Processing Report** indicated that on the night of the incident Officer A's Smith & Wesson revolver was recovered and inventoried with four spent casings and two live cartridges in its cylinder. Officer D's firearm, a Smith & Wesson semi-automatic pistol, was inventoried with twelve live rounds in its magazine. Officer C's firearm, a 9mm semi-automatic Beretta, was inventoried with eleven live rounds in its magazine. Officer B's firearm, a 9mm semi-automatic Sig Sauer, was inventoried with eight live rounds in its magazine.

The **Detective Supplemental Report** indicates that Officer A's vehicle sustained a suspected entry bullet hole to the driver side rear portion of the trunk's lid and an apparent linear bullet crease to the left rear bumper. The vehicle assigned to Officers D and E had a suspected bullet entry hole to the middle passenger side of the trunk lid, a suspected bullet exit hole to the center of the passenger side rear quarter panel, and suspected bullet damage to the "Ford" brand plate in the center of the trunk's lid. The vehicle assigned to Officers B and C sustained a suspected bullet hole in the upper window trim area of the rear window and the rear window was shattered as a result of bullet damage.

Evidence Technician Photographs of Officer A depict a gunshot wound to his left eye and swelling and bruising to his right eye. Officer Francis also appeared to have a gunshot wound to his left hip.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

Chicago Fire Department's Ambulance Report indicates that Ambulance #6 was dispatched on 02 July 2008, at 0156 hours, and arrived at Western and Belmont at 0205 hours. Officer A was found unresponsive with a gunshot wound to his face. CPR was performed and Officer A was intubated and transported to the hospital.

Chicago Fire Department's Ambulance Report indicates that Ambulance #32 was dispatched on 02 July 2008, at 0157 hours, and arrived at Western and Belmont at 0203 hours. Police informed the paramedics that an officer (NKA Officer A) responded to a call of a disturbance on a bus. Other officers responded and saw Subject 1 shoot Officer A. Officers then "opened fire" on Subject 1. Paramedics found Subject 1 on the ground, handcuffed, and covered with blood. The paramedics attempted to speak to Subject 1 but she spat blood at them and kicked and flailed at them. The report indicates that Subject 1 continued to fight with the paramedics as they attended to her. It was noted that Subject 1 sustained two gunshot wounds to the left side of her chest and one gunshot wound to the right side of her chest. Subject 1 also sustained several gunshot wounds to both arms and graze wounds to her torso. The paramedics were unable to obtain Subject 1's blood pressure or pulse due to her continued fighting. Subject 1 was transported by ambulance to Illinois Masonic Hospital.

Illinois Masonic Hospital Medical Records indicate that Chicago Fire Department Ambulance 32 brought Subject 1 to the Emergency Room. Subject 1 was agitated and refused to answer questions. Subject 1 sustained through-and-through gunshot wounds to the left and right sides of her upper chest, her left forearm, her upper

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

left arm, and to the left side of her head. A fired round was found on the bed near Subject 1's head.

Separate reports from the **Illinois State Police (ISP) Division of Forensic Services** stated that the GSR test indicated that Officer A may not have discharged a firearm with his right hand. If he did discharge a firearm with his right hand, then the particles were removed by activity, were not deposited, or were not detected by the procedure. An ISP report also stated that the GSR tests indicated that Officer A discharged a firearm, contacted a PGSR related item, or had his left hand in the environment of a discharged firearm.

Another **ISP Reports** stated that examination of Officer A's firearm, its two live cartridges, and four discharged cartridge cases revealed no latent impressions suitable for comparison.

The **ISP Reports** stated that it was determined from the recovered fired evidence that two bullets and three casings were fired from Officer D's firearm; one bullet and five casings were fired from Officer C's firearm; seven bullets and eight casings were fired from Officer B' firearm; and four bullets and four casings were fired from Officer A's firearm. Two of the bullets from Officer A's firearm were recovered from Officer A's body by the Medical Examiner.

The Medical Examiner's Report of Post Mortem Examination stated that

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

Officer A sustained several gunshot wounds. The first was a close-range gunshot wound to his left eye, with the entrance wound at the left lower eyelid. Stippling was noted on the lower left eyelid and the upper eyelid near the eyebrow. The left globe was completely destroyed by the gunshot wound. The exit wound was noted on the left side of the back of the head. The direction of the gunshot wound was front to back, upward and slightly left to right. The course of the gunshot wound was lower left eyelid, left eye, posterior left orbit of the skull, dura, brain, dura over the left occipital portion of the skull, skull, subcutaneous tissue and skin of the scalp. As a consequence of this wound there was extensive laceration of the brain and extensive fracturing of the skull. Officer A also sustained a gunshot wound to his left thigh. No sooting or stippling was found on the skin around the wound. No exit wound was identified. Officer A also sustained a penetrating gunshot wound to his lower left buttocks. No sooting or stippling was found on the skin about the wound. The exit wound was found to be on the lower left back. The bullet appeared to have been re-directed into the body in an upward and inward direction. The fired round was recovered in the sacral vertebrae. Officer A also sustained contusions on the left side of his face near his left ear, to his left forearm, and to the tip and edges of his tongue. Officer A also sustained abrasions over the back of his head that appeared to be unrelated to the exit wound. The cause of death was multiple gunshot wounds.

In a statement to IPRA on 02 July 2008, off-duty **Chicago Police Officer G** stated that he was driving south on Western Ave. with his younger brother, Witness 5. Officer G was in the left turn lane at Belmont when he saw a heavy set black female

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

(NKA Subject 1) standing in front of a uniformed officer (NKA Officer A) and a marked squad car parked on an angle in front of a bus. Officer G stated that Subject 1 was swinging her arms “wildly” in front of Officer A. Officer A attempted to grab Subject 1 but she continued to swing her arms. Subject 1 also pushed Officer A’s hands away from her when he reached for her. Subject 1 then grabbed Officer A and they began to struggle. Officer G stated that Officer A and Subject 1 fell to the ground during the struggle but the squad car blocked his view of them after they fell to the ground. Officer G then heard what he believed to be two gunshots.

Officer G and his brother crouched down in their car for cover. When Officer G looked up he saw a white male uniformed officer standing at the back of the original squad car. Officer G saw this officer discharge his firearm numerous times at Subject 1, who Officer G thought was located behind the squad car. Officer G crouched down in his vehicle for cover a second time. When Officer G looked up again he saw several officers exit an unmarked squad car. One of the plainclothes officers ran toward the marked squad car and discharged his firearm several times in the same direction as the first officer. Officer G stated that he remained in his vehicle throughout the incident until the officers “cleared the area.” Officer G then identified himself to on-duty officers. Officer G stated that due to the position of the marked squad car and his distance from the incident, he did not witness Subject 1 shoot Officer A.

In a statement to IPRA on 18 September 2008, **Officer F**, stated on the night of the incident he was off-duty and in a bar called "Underbar" at 3243 N. Western Ave.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

While Officer F was inside the bar, the bouncer, Witness 18, pounded on the door to the main entrance to get his attention. Officer F walked outside but Witness 18 pulled him back. Officer F then heard seven or eight gunshots. Officer F tried to look south toward Belmont Ave. but most of his view was obstructed by the columns of the viaduct. Officer F was able to see a bus and the flashing blue lights of a squad car. Officer F also saw a plainclothes police officer in what he described as a "shooting stance." Officer F stated that the plainclothes officers were standing behind the open driver's door of an unmarked squad car. The plainclothes officer appeared to be pointing his firearm across the hood of the squad car. Officer F used his cell phone to call "911" and identified himself as an off-duty police officer. Officer F reported to the call taker that shots had been fired across the street from the 019th District Station. Officer F saw several squad cars arrive on the scene and he walked to the intersection of Belmont and Western Ave. When he reached the intersection he saw a black female (NKA Subject 1) lying on the ground with paramedics attending to her. Officer F then saw paramedics placing Officer A into the back of an ambulance. Although Officer F heard several gunshots he never saw who was shooting.

In a statement to IPRA on 01 August 2008, **Officer D**, stated that he and his partner, Officer E, were on routine patrol when they were dispatched to assist Officer A. Officer D stated that they drove south on Western Ave. to Belmont Ave. Officer D saw Officer A's squad car parked in front of the eastbound Belmont bus. Officer A appeared to be escorting Subject 1 away from the bus. Officer D stated that Subject 1 pulled away from Officer A as he tried to get her to face his squad car. Officer D stated that Officer A

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

“looked like something was very wrong.” Officer D said to Officer E words to the effect of, “We got to get out.” Officer D stated that he did not see Officer A or Subject 1 holding a gun. Officer D stated that he stopped his squad car near the rear of Officer A’s squad car. Officer D stated that as he opened the door to exit the squad car he heard a gunshot. Officer D exited the squad car and heard someone yell, “She’s got a gun!” Officer D then heard several more gunshots. Officer D heard one of the rounds hit his squad car, but he did not know where the car was struck. Officer D stated that he did not see who was shooting, but the gunshots came from Officer A’s and Subject 1’s direction. Officer D stated that he was afraid that he and Officer E would be shot, and he decided that he needed to obtain a better line of sight to determine the source of the threat. Officer D drew his pistol and positioned himself near the engine block of his squad car. Officer D looked across the hood of his car and saw Officer A "sprawled out" on the ground and Subject 1 crouched next to Officer A’s squad car. Officer D stated that Subject 1 was pointing a gun in his general direction.

Officer D stated that Subject 1 appeared to use Officer A’s car for cover while waiting for the other officers to show themselves. Officer D also remembered hearing Subject 1 screaming, "Fucking pigs!" Officer D stated that he repeatedly yelled, "Police! Drop the gun!" Officer D saw that Officer A was not moving. Subject 1 continued to point her gun at Officer D and the other officers. Officer D stated that he fired three times at Subject 1. Officer D explained that he was aware that Officer B was positioned to his right and that he heard several additional gunshots, but he did not know where those shots came from. Officer D saw Subject 1 fall to the ground. Officer D

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

approached Subject 1 and saw that she was lying on her chest and had somehow managed to crawl under the car. Officer D heard someone, who he believed to be Officer B, say that the gun Subject 1 fired was Officer A's gun. Officer D realized that one of the other officers had possession of the gun Subject 1 got from Officer A. Officer D tried to pull Subject 1 from under the car but was unsuccessful. Officer D stated that he called for an ambulance and notified OEMC of an "officer down." Ambulances arrived and transported Officer A and Subject 1 from the scene.

In a statement to IPRA on 19 August 2008, **Officer E**, stated that on the night of the incident he was working with Officer D and that they were driving south on Western Ave., approaching Belmont, when he heard a radio call to assist Officer A. Officer E stated that as they approached the intersection he saw Officer A and Subject 1. Officer E explained that his view of Officer A and Subject 1 was partially obstructed by Officer A's squad car. Officer E saw Officer A holding onto one of Subject 1's arms with both hands. Subject 1 appeared to be pulling away from Officer A. Officer E stated that Officer D stopped their squad car a few feet from Officer A's car. Officer E stated that their cars were close enough that he could strike Officer A's car with his passenger-side door. Officer E saw Subject 1 pull Officer A towards her, and Officer A appeared to stumble forward. As Officer A stood up, Officer E saw Subject 1 holding a silver revolver in her right hand. Officer E saw Subject 1 raise the gun and point it directly at Officer A's left eye and he then heard a single gunshot. Officer E explained that as he exited his squad car he saw Subject 1 shoot Officer A. Officer E stated that Subject 1 was "inches away" from Officer A when she shot him. Officer E stated that he then saw

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

Subject 1 “waving the gun around” and heard multiple gunshots. Officer E ran to the front of Officer A’s car on the passenger side and crouched next to the engine block. Officer E repeatedly yelled, “Drop the gun! Drop the gun!” Officer E explained that the view that he had of Subject 1 was of her back. Officer E stated that he could have shot Subject 1 from behind, but he did not do so because he believed other officers were in front of Subject 1 and he did not want to discharge his firearm at the other officers. Officer E stated that he heard other officers yelling, “Drop the gun!” and, “She’s got a gun!” Officer E stated that he did not know who fired all of the shots after Subject 1 shot Officer A. When the shooting stopped Officer E looked over the hood of the car and saw Subject 1 lying on the ground. Officer E ran around the car and approached Subject 1, who was still moving around. Subject 1 crawled under the trunk of Officer A’s squad car. One of the officers moved Officer A’s car forward so that Subject 1 could be handcuffed.

In a statement to IPRA on 06 August 2008, **Officer B**, stated that on the night of the incident his partner was Officer C. Officer B stated that he and Officer C responded to Officer A’s call of a bus disturbance. Officer C was driving their unmarked squad car south on Western Ave. approaching Belmont Ave. Officer B stated that when he first saw Officer A he was struggling with Subject 1 at the rear driver's side of Officer A’s squad car. Officers D and E were already on the scene. Officer C pulled up behind Officers D and E. Officer B stated that he and Officer C exited their squad car almost at the same time as Officers D and E. Officer B stated that as he exited the squad car he heard a gunshot come from the direction of Officer A and Subject 1, but he did not see

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

who fired that shot. Officer B ran toward Officer A and Subject 1 with the intention of helping Officer A. Officer B saw Officer A fall to the ground. Officer B then heard a second gunshot and saw Subject 1 pointing a gun at him across the trunk of Officer A's squad car. Officer B took cover between the driver's side of his squad car and the squad car assigned to Officers D and E. Officer B repeatedly ordered Subject 1 to drop her gun.

Officer B looked through the squad car's windows and saw Officer A lying on his back on the sidewalk and Subject 1 holding a stainless steel revolver. Officer B stated that he saw Subject 1 fire a shot in Officer A's direction. Officer B did not know if that round struck Officer A. Officer B stated that he and Officer D, while repeatedly yelling at Subject 1 to drop the gun, moved toward the front of Officer D's squad car. Officer B saw Subject 1 point her gun first at Officer A and then in his direction. Officer B then discharged his firearm eight times at Subject 1. Officer B stated that he heard at least three gunshots coming from Subject 1's direction, and he saw Subject 1 fire her gun at least once at Officer A. Officer B saw Subject 1 crouch behind Officer A's squad car. Officer B stated that he was aware that Officer D had also discharged his firearm at Subject 1, but he did not know how many times. Officer B stated that after he discharged his firearm Subject 1 fell to the ground and rolled onto her left side while still holding her gun. Officer B approached Subject 1 and kicked the gun out of her hand. Subject 1 then crawled under the trunk of Officer A's squad car, behind the rear tires. Officer B grabbed her by her legs and tried to pull her from underneath the car but was unsuccessful. Officer B saw the car's keys on the ground next to Officer A. Officer B retrieved the keys and gave them to Officer C, who moved Officer A's squad car forward

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

approximately two feet. Once the car was moved officers were able to handcuff Subject 1. Officer B stated that he radioed for an ambulance for Officer A and Subject 1 and made notification of shots fired.

In a statement to IPRA on 14 August 2008, **Officer C**, stated that on the night of the incident he was working with Officer B. Officer C stated they were on Western Ave., just south of Addison, when he heard Officer A on the radio saying that he had been waved down for a disturbance on a bus. Officer C drove their unmarked squad car south on Western Ave. As they approached Belmont Ave. Officer C saw Officer A's squad car parked facing a bus on Belmont Ave. Officer C also saw Officer A struggling with Subject 1 near the rear driver's side of Officer A's squad car. Officer C stated that he and Officer B arrived at almost the same time as Officers D and E. Officer C stated that he was across the intersection when he saw Officer A and Subject 1 "wrestling" with each other. Officer C stated that he then heard a single gunshot but he did not know where that gunshot originated. Officer C also stated that he did not see Officer A or Subject 1 holding a firearm. Officer C stated that when he heard the gunshot he stopped his car behind the squad car driven by Officers D and E. Officer C stated that his car was about fifteen feet away from Officer A's squad car when he stopped. As Officer C exited his squad car he heard two more gunshots. Officer C drew his firearm and moved toward the rear of his squad car for cover. Officer C still did not know where the gunshots came from. As Officer C moved to the back of his car he looked over the roof of his car and saw Subject 1 standing near the rear driver's side of Officer A's car. Officer C saw Subject 1 holding a revolver in her hand and "waving it around." Officer C also saw

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

Officer A lying on the ground a couple of feet from Subject 1.

Officer C stated that he heard Officer B, who had moved toward the front of their car, repeatedly order Subject 1 to drop the gun. Officer C stated that he was less than fifteen feet from Subject 1 and could clearly see her holding a gun in her hand. Officer C stated that he discharged his weapon at Subject 1 five times as he moved around the trunk of his squad car toward Subject 1. Officer C saw Officers B and D run up to Subject 1, who appeared to be lying on her stomach and still waving the gun around. Officer B kicked the gun out of Subject 1's hand. Officer C stated that Subject 1 then crawled under the trunk of Officer A's squad car. Officer C stated that they could not pull Subject 1 from underneath the car. Officer B found the car's keys on the ground and handed them to Officer C. Officer C then drove the car forward approximately two feet. Subject 1 was then handcuffed and ambulances were requested via the radio. Officer C stated that he did not know if he saw Subject 1 discharge a firearm. Officer C explained that the gunshots he heard came from Subject 1's direction, and that he saw her with a firearm.

CONCLUSION AND FINDING:

This investigation found that Officer D's, Officer B's, and Officer C's use of deadly force was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order 02-08-03, III.:

- 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 like to cause death or great bodily harm;
 - b. attempted 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 officers' actions met the requirements of the Department's deadly force policy. The involved officers provided separate and consistent accounts of the incident, that after Subject 1 fatally shot Officer A with his revolver she refused to comply with their orders to drop the gun, and instead pointed and fired the gun at them. Fearing for their safety Officers B, C, and D discharged their firearms at Subject 1. It was reasonable that the officers feared for their safety. Subject 1 had already fatally shot Officer A and repeatedly failed to comply with their verbal direction. Subject 1 then pointed and fired a

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017857/#08-24

firearm at Officers B, C, D and E. The officers' accounts of the incident are corroborated by the numerous witnesses.