

Independent Police Review Authority
Log#1021337 / U #08-43

INVESTIGATION

NUMBER: Log #1021337 / U# 08-43

INVOLVED

OFFICER: “Officer A” (Chicago Police Officer); Male/Hispanic; 27 years old;
Off Duty; Civilian Dress; Year of Appointment – 2006

OFFICER

INJURIES: None Reported

SUBJECT: “Subject 1”; Male/Hispanic; 21 years old

SUBJECT’S

INJURIES: Through-and-through gunshot wound to the left arm; gunshot wound to
the neck; gunshot wound to stomach (Deceased)

SUBJECT’S

WEAPON: Two (2) Knives
Black handle stainless steel blades

DATE/TIME: 02 Nov 2008 at approximately 0135 hours

LOCATION: 5XXX N. Bernard – outside

SUMMARY OF INCIDENT:

CPD Detective 1 related that on 02 November 2008, at 5XXX N. Bernard, at approximately 0135 hours (before time change) Officer A, assigned to the 006th District was at a family gathering while off-duty. Two family members, Witness 1¹ and Witness 1's mother-in-law, Witness 2, were walking to her vehicle at which time they were confronted by the victim/offender, Subject 1, who was mumbling and brandishing two knives. Subject 1 approached Witness 1 in an aggressive manner, at which time, the brother of Witness 1, Officer A, was summoned from the gathering. Officer A approached Subject 1 and announced his office, and repeatedly ordered Subject 1 to "Drop the knife." Subject 1 refused to comply and continued to advance toward Witness 1, at which time Officer A discharged his firearm. Officer A made notifications and requested supervisors and EMS to the scene.

Subject 1 sustained three (3) gun shot wounds and was transported to Illinois Masonic Hospital in critical condition. Subject 1 had no identification on his person. Two knives were recovered at the scene.

¹ Brother of Officer A.

INVESTIGATION:

Witness 1 related to the roundtable panel that he left the family gathering and escorted his mother-in-law, Witness 2, out to her vehicle, which was parked several houses south of his residence. As Witness 1 and Witness 2 approached her vehicle the two became engaged in a conversation. While speaking with Witness 2, Witness 1 observed Subject 1 walking towards them holding a knife along his side and mumbling. Witness 1 and Witness 2 remained at the vehicle and continued their conversation. Witness 1 turned his attention toward his residence and observed Subject 1 standing in front of his residence. Witness 1 turned his attention to Witness 2 for a short time and lost sight of Subject 1. Witness 1 then turned his attention to his residence and observed Subject 1 walking at a rapid pace toward his residence.

Witness 1 then observed his wife, Witness 3, in the open doorway. Witness 1 ran toward his residence then stopped in front of the residence and yelled, "Get my brother, get Officer A², he has a blade!" Subject 1 backed away from the doorway and toward Witness 1, who was standing on the sidewalk in front of the residence. Subject 1 looked at Witness 1 began walking backwards. Subject 1 stopped. Officer A exited the residence, approached Subject 1, and stated, "Calm down. Stop, I'm CPD, freeze." Subject 1 raised the knife and charged toward Witness 1. Officer A fired and Subject 1 stumbled backwards and fell to the ground. Officer A handcuffed Subject 1, got on a mobile phone and called for police assistance.

Witness 2 related to the roundtable panel that her son-in-law, Witness 1, escorted her to her vehicle and the two became involved in a conversation. Witness 2 stood against the vehicle and Witness 1 had his back to the sidewalk. Witness 2 observed Subject 1 walking toward them northbound on Bernard. Subject 1 approached Witness 1 and asked him if he had a cigarette. Witness 1 replied, "No." Subject 1 continued walking. As Subject 1 walked away, he raised a knife and dragged the knife against a wrought iron fence. Witness 2 observed Subject 1 walking toward 5XXX N. Bernard. Witness 2 stated, "Witness 1, he's going to your house." Witness 1 instructed Witness 2 to get inside her vehicle. Witness 1 ran toward his residence and yelled, "get Officer A?" Witness 2 observed Officer A exit from the residence with his weapon out and pointed toward Subject 1. Officer A yelled, "I'm an off-duty officer, put the weapon down." Subject 1 stood still for a moment and then suddenly he turned in the direction of Witness 1 who was standing to his right, raised the knife and ran toward Witness 1. Officer A simultaneously yelled, "Stop, put the weapon down" and then fired. Subject 1 took several steps forward and fell to the ground in front of Witness 1.

Witness 3 related to the roundtable panel that her husband, Witness 1, walked her mother, Witness 2, out of the party and to her vehicle, which was parked several houses south of her residence. A few moments passed and Witness 3 became concerned at the length time of her husband being gone. Witness 3 went to a front window and observed her husband and mother standing by a vehicle. Witness 3 also observed Subject 1 walking northbound on Bernard in the direction of her residence. Witness 3 and Subject 1 made eye contact. Subject 1 motioned to Witness 3 to come to the front door. Witness 3 asked a party guest, [Party Guest] to come to the door with her. [Party Guest] opened the door while Witness 3 stood behind him. Subject 1 stood

² He is referring to Officer A.

in the doorway and made an inquiry concerning a party on “Kimball” and attempted to push his way into the door. Witness 3 then heard Witness 1 yell from the sidewalk, “get Officer A, get my brother, he’s got a blade!” Witness 3 yelled inside for Officer A. Officer A ran past Witness 3 with his right hand on his side. Witness 3 stated, “He’s got a knife” and stepped back into the foyer and heard Officer A yell, “I’m a cop, freeze?” Witness 3 stepped forward to the door and observed Subject 1 move aggressively with a knife in a raised position toward Witness 1, and Witness 1 take several steps backwards. Witness 3 then heard several shots and she ran into the residence.

Officer A, Off-Duty related to the roundtable panel that he was attending a family Halloween party dressed in costume, with his weapon concealed. People in the party were yelling his name and informing him of a commotion outside. Officer A ran outside and observed Subject 1 with a knife in his hand and speaking to his brother, Witness 1. Officer A drew his weapon, announced his office, and yelled, “Drop the knife?” Subject 1 turned toward Witness 1 and began mumbling. Witness 1 stated, “Man relax, chill out.” Subject 1 turned toward Witness 1, raised the knife in an upward motion and charged toward him. Simultaneously Officer A yelled, “freeze” and discharged his weapon firing six shots. Subject 1 took several steps and fell at the feet of Witness 1. Officer A grabbed a mobile phone, called OEMC, and identified himself, and requested EMS and supervisors to the scene.

CPD Detective 2, related to the roundtable panel that he escorted Subject 1 to Illinois Masonic Hospital in Ambulance 40. Subject 1 was unresponsive and listed in critical condition. Subject 1 sustained two gunshot wounds to the left bicep, one gunshot wound to the abdomen with an exit wound at the lower back and gunshot to the right side of his neck with the bullet lodged. Two male Hispanics, Witness 7 and [Name Withheld], arrived at Illinois Masonic and informed CPD Detective 2 that Subject 1, who at the time was “John Doe” that he may-be Subject 1 (M/H XX Jul 8X) the brother of Witness 7. CPD Detective 2 related that the clothing worn by Subject 1 matched a description provided by Witness 7.

In an interview with IPRA, a witness, Witness 1, stated that he was walking his mother-in-law to her car when they were approached by an unknown male (NKA Witness 7) who had two knives. Witness 1 stated Subject 1 stated something unintelligible and told Subject 1 to keep walking which he did. Witness 1 stated he saw Subject 1 stop in front of his house and saw his wife speak to Subject 1. Witness 1 stated he yelled for his brother, Officer A, to come outside. Witness 1 stated Subject 1 started to approach him while his brother came outside and told Subject 1 twice to freeze. Witness 1 stated Subject 1 started towards him while holding two knives and Officer A shot Subject 1 four times. Witness 1 stated Officer A called 911 to report the incident.

In an interview with IPRA, a witness, Witness 2, stated she was leaving the Halloween party with her son-in-law, Witness 1, when they were approached by an unknown male (NKA Witness 7) holding a knife in each hand. Witness 2 stated that Subject 1 asked for a cigarette which Witness 2 and Witness 1 replied no and to keep walking. Witness 2 stated she observed Subject 1 walking down Witness 1's walkway towards his house. Witness 2 stated Witness 1 told her to get into the car which she didn't and Witness 1 ran back to his house. Witness 2 stated she saw Witness 1 back-pedaling and his brother, Officer A, yelling, "I'm an off-duty officer. Put your weapon down!" Witness 2 indicated Officer A did not have his gun drawn at this time. Witness 2 stated that Subject 1 started to rush towards Witness 1 and Officer A fired twice at Subject 1. Witness 2 stated Subject 1 continued to charge Witness 1 and Officer A fired more additional shots knocking Subject 1 to the ground. Witness 2 stated Officer A told them not to touch anything and he immediately called 911.

In an interview with IPRA, a witness, Witness 4, stated he was at a party at Witness 1's house when Witness 3 asked someone to come with her to the front door to answer a stranger (NKA Witness 7) approaching the door. Witness 4 stated he heard Witness 3 and another party-goer tell the stranger to get going. Witness 4 stated that Subject 1 attempted to push his way into the apartment and someone yelled to get Officer A. Witness 4 stated he got Officer A and Officer A went outside while Witness 4 stayed inside. Witness 4 stated he heard someone shouting, "He's got a blade!" followed by three to four shots. Witness 4 stated he called 911 and Officer A asked 911 for an ambulance.

In an interview with IPRA, a witness, Witness 5, stated she was leaving a party at Witness 1's house and as she reached the door she heard Witness 1 yell, "Call the Cops!" Witness 5 stated she saw another party-goer next to the door and an unknown male (NKA Witness 7) outside. Witness 5 stated she yelled, "Get Officer A" and Officer A went outside and told Subject 1, "Police, back-up!" Witness 5 stated she also heard Witness 1 yell "Call the Cops, get away from him!" Witness 5 stated Subject 1 started to approach and she observed Officer A, who was wearing a security guard costume, draw his weapon and fire four shots. Witness 5 stated she went inside. Witness 5 stated she did not see Subject 1 with a knife. Witness 5 stated she did not see Officer A consume any alcohol.

In an interview with IPRA, a witness, Witness 3, stated she observed her husband, Witness 1, escort her mother outside. Witness 3 stated after several minutes passed by she went to go see if Witness 1 and her mother were okay. Witness 3 stated she did not see Witness 1 but saw an unknown male (NKA Witness 7) walking to her front door. Witness 3 stated she became alarmed and asked another party-goer for help. Witness 3 spoke with Subject 1 who asked about an address at Kimball and attempted to enter the house. Witness 3 stated Subject 1 eventually started to walk away while Witness 1 came back to the house yelling to get his brother, Officer A, and that Subject 1 had a blade. Witness 3 stated Officer A, who was wearing a security guard costume, came outside, saw the blade, drew his weapon, and stated, "Freeze! Drop the Weapon!" Witness 3 stated that Subject 1 started to charge Witness 1 and Officer A then discharged his weapon three to four times.

In an interview with IPRA, a witness, Witness 6, stated he was asleep and heard loud voices. Witness 6 stated his bedroom faces the street and he believed he observed a male

wearing a security guard costume standing in the walkway leading to the house across the street from Witness 6. Witness 6 stated there were two other males approximately eight feet away from the male wearing the costume and the three appeared to be arguing. Witness 6 stated the male wearing the costume pulled out his handgun and immediately started firing. Witness 6 stated one shot was fired and the guy did not go down and was followed by a succession of shots. Witness 6 stated that the male who was shot fell down and people began to come outside. Witness 6 stated the shooter seemed visibly upset and ordered everyone to go inside and call the cops. Witness 6 stated the shooter called the police cops on his cell phone. Witness 6 stated he had a good view but did not see anyone with a knife nor any conflict between any of the three individuals.

In an interview with IPRA, a witness, Witness 7, stated he is Subject 1's brother. Witness 7 stated his brother, [Cousin] (a cousin), and [Friend of Subject 1] arrived to Witness 7's house. Witness 7 stated Subject 1 and [Friend of Subject 1] were talking loud and swearing at each other. Witness 7 stated both appeared to have been drinking. Witness 7 stated when he left his bedroom, he saw that the three men went outside and [Cousin] started his car. Witness 7 stated he stepped between a fight between his brother and [Friend of Subject 1]. Witness 7 stated he held his brother while [Friend of Subject 1] went into [Cousin]'s car which drove southbound.

Witness 7 indicated that his brother started running after [Cousin]'s car while Witness 7 went inside to get his pants. Witness 7 stated that he called his brother but heard no reply. Witness 7 stated that he heard three (3) gunshots about five (5) minutes later. Witness 7 stated he went to the shooting incident and asked the crowd of bystanders what happened. Witness 7 related that after a while male told him that some crazy guy talking nonsense was shot by another individual. Witness 7 stated he approached the ambulance, observed his brother hooked up to a machine, and asked the paramedics what hospital his brother was being taken to which the paramedics did not reply. Witness 7 stated that he did not tell anyone at the scene that his brother was the individual in the ambulance. Witness 7 called his brother [Name Withheld] that Subject 1 had been shot.

Witness 7 and Cruz went to Swedish Covenant Hospital but did not find their brother. Witness 7 returned to the shooting scene and asked where the ambulance went to which was Illinois Masonic. Witness 7 indicated that they arrived at the hospital and spoke with police officers giving information regarding his brother. Witness 7 stated that he was permitted to view the patient approximately four (4) hours later and he identified him as Subject 1. Witness 7 stated he returned to the shooting scene on Monday 03 November 2008 to take photos and overheard about a girl, Witness 8, who was heard to have seen the incident. Witness 7 stated he did not see any knives in his brother's possession when he left the house and/or chased after [Cousin]'s car. Witness 7 stated his brother appeared to be intoxicated, but not very intoxicated. (Att. #62)

In an interview with IPRA, a witness, Witness 8, stated she wrote a letter three days after the incident detailing the event. Witness 8 stated she was talking on the phone when she heard yelling thus alerting her to look out the window. Witness 8 stated she observed two men yelling in the front lawn of 5121 N. Bernard. Witness 8 observed another male, wearing a white tee shirt and not yelling, at 5123 N. Bernard. Witness 8 observed seven to eight individuals

yelling and standing in front of 5XXX N. Bernard. Witness 8 observed one individual from the group who was wearing a button up tee shirt and yelling the loudest. Witness 8 stated this individual drew a gun and shot the male with a white shirt. Witness 8 stated that the shot man fell to the ground and the male bearing a gun shot once more. Witness 8 stated she dialed 911 and walked away from her window. Witness 8 stated she could not see any objects in the shot man's hands.

In a letter to IPRA, an anonymous concerned father stated an anonymous individual told the concerned father that the officer in question ran out of the homeowner's house shooting as he only observed an individual with a knife trying to flee the scene. The concerned father also stated the off-duty officer was also intoxicated with alcohol.

Medical Information: IPRA Investigator A of IPRA went to Illinois Masonic Hospital on 02 Nov 2008 and spoke with Attending Nurse A. Attending Nurse A related that Subject 1 sustained one (1) gunshot wound to the abdomen, one (1) gunshot wound to the left arm, and one (1) gunshot wound to the neck. Subject 1 was taken to surgery and was listed as critical.

The Department Reports documented that Subject 1 had the offenses cited as aggressive assault with a knife. The incident narrative of the report documented that Subject 1 charged Witness 1 while holding two knives placing Witness 1 in fear of receiving battery. Off-duty Officer A in fear of Witness 1's life discharged his weapon striking Subject 1. Officer A placed Subject 1 in custody and Subject 1 was taken to IL. Masonic Hospital. (Att. #8)

A **Tactical Response Report** completed by Officer A documented that Subject 1 "did not follow verbal command", was an "imminent threat of battery", "attacked with weapon", and "used force likely to cause death or great bodily harm." Officer A responded with "member presence", "verbal commands", and the use of his "firearm." (Att. #9)

The related **OMEC Event Queries** documented that on 02 Nov 2008 at 0134 hours Officer A, the caller, indicated he was off duty police officer and just discharged his weapon. Officer A stated the man is down and in handcuffs. Officer A stated somebody charged his brother with a knife. Officer A requested several times for EMS. Several other callers stated there was shoots three (3) to eight (8) shots fired. The callers stated there appeared to be a fight and one person was laying on the ground while another had a gun in his hand. (Att. #16, 47)

Crime Scene Processing Report #64956 documented items inventoried and photographs obtained by the Evidence Technicians at the scene. The report also documented that Officer A's weapons were recovered and swabbed at Area 5 Detective Division. The Evidence Technicians relocated to Illinois Masonic Hospital where Subject 1's clothing was recovered. The report was submitted by Officer B on 02 November 2008 at 0528 hours. (Att. #18)

Crime Scene Processing Report #64958 documented the bullets, ammo, and magazines inventoried at the scene. The report was submitted by Officer B on 02 Nov 2008 at 0617 hours.

Crime Scene Processing Report #64961 documented items inventoried and photographs obtained by the Evidence Technicians at the scene. The F/Is searched for physical evidence

using a metal detector along with a leaf rake. The report was submitted by Officer C on 02 Nov 2008.

The **Chicago Fire Department Ambulance Report** documented that Subject 1 was unconscious with multiple gun shot wounds to the chin, right cheek, right neck, and lower abdomen with exit wounds in the lower back and right arm. The report documented that blood in his airway. Subject 1 was taken to Illinois Masonic.

Medical Records for Subject 1 from Illinois Masonic Medical Center (Medical record #27035230) documented that Subject 1 was admitted on 02 November 2008 for gun shot wounds to the abdomen, right side of the neck, and left upper extremity. Upon admission into the hospital, Subject 1 was admitted as a John Doe for trauma level 1 red urgency. Subject 1's airway was patent and he was intubated. Subject 1 was taken to the operating room for an exploratory laparotomy. Subject 1 given a percutaneous Tracheostomy and Bronchoscopy on 08 November 2008 performed by Doctor A. Subject 1 was given a right frontotemporal craniotomy for a gunshot wound to the brain performed by Doctor B on 02 November 2008. The patient survived the procedure but the prognosis looked very dim. The patient was listed as critically ill with neurologic failure, respiratory failure and severe/multiple trauma.

An **Evidence Submission Forms regarding the Division of Forensic Services** documented all the weapons inventoried for processing. The detective also requested for the handle of the knife to be processed for DNA for the handler's DNA.

A **Canvass** was conducted on 10 Nov 2008 and 12 Nov 2008 near the location of 5120 Bernard. Responses from the incident included statements from Witness 9 and Witness 10. Witness 9 stated she was asleep and heard what sounded like two guys arguing loudly. Witness 9 heard two shots and observed an unknown guy laying on the ground and no one else nearby. Witness 9 did not witness the actual shooting nor observed any knives in the area. Witness 10 stated he and his wife, [Name Withheld], were awakened by four (4) shots. Witness 10 stated he looked outside and observed an unknown guy, wearing a Reno 911 costume, who appeared visibly upset and appeared to be talking on a cell phone. Witness 10 stated he went inside to check on his son and came outside to the porch where his wife was and overheard the male with the cell phone state "He charged", "Knife", and used the word "fuck" a lot.

In the **Autopsy of Subject 1**, the R/I spoke with Doctor C regarding her findings. Doctor C stated she observed through and through gunshot wound to the left arm, in the triceps/biceps area; she indicated that the entrance wound was in the triceps area and the exit wound was in the bicep area. Doctor C also observed a gunshot wound to the front abdomen area and a gunshot wound to the lower left back. Doctor C stated, however, due to the fact that the aforementioned wounds were healing, she could not determine which the entrance wound was and which was the exit wound. Doctor C observed an entrance wound to the back of the neck, on the right side. The bullet that went through the neck remained behind the right eye and could not be removed intact. Doctor C documented in her report that there is no evidence of close range fire about the

wound of entry for all three shots. Doctor C indicated that the cause of death was multiple gunshot wounds and the manner of death was homicide.

The **Detective Supplementary Reports** documented the evidence received by the Forensic Science Center at Chicago. The reports documented that Subject 1 walked through the street with a knife in each hand and tried to enter a private house part. Subject 1 was refused entry and charged a party-goer with a knife. An off-duty PO observed this, announced his office, and then fired numerous rounds into the offender in defense of the party-goer. The reports documented that an 8" and a 13" knife were found on the grass parkway at the incident.

The reports documented a conversation between the detectives and Witness 7, Subject 1's brother. Witness 7 stated his brother came home with Witness 11 and another unknown individual. Subject 1 reported that his brother was at a party in Evanston and appeared to have been drinking. Witness 11 left the party with the other unknown individual but Subject 1 wanted to go with him. Witness 7 stated Subject 1 left the house and a few minutes later Witness 7 heard gunshots. Witness 7 stated that he later learned that his brother was shot.

Witness 11 spoke with the detectives and stated he was a disc jockey for a party in Evanston and Subject 1 went with him. Witness 11 stated that at the end of the party he could not find Subject 1 so he called his phone. Witness 11 stated he found Subject 1 and another guy named Witness 12 at the intersection of Dodge and Foster. Witness 11 indicated that both appeared to be drunk. Witness 11 drove him, Subject 1, and Witness 12 to Subject 1's residence at Kimball. Witness 11 stated Witness 12 and Subject 1 started fighting and Witness 11 attempted to leave the residence with Witness 12 and without Subject 1. Witness 11 stated that as he was leaving he saw Subject 1 chasing his truck and later Witness 7, Subject 1's brother, called Witness 11 stating his brother was shot. The reports document that the detectives noticed at Subject 1's apartment knives that resembled the knives from the scene of the shooting. The detectives took the knives and inventoried them at Area 5 to be compared with the knives recovered from the scene.

Illinois State Police Forensic Science Laboratory Reports documented under Lab Case #C08-044614 that Officer A's firearm was tested and in proper working condition. The unfired cartridges were analyzed for caliber and type only. (Att. #67)

A related Circuit Court of Cook County Case, Special Administrator of the Estate representing deceased Subject 1 V. City of Chicago and Officer A (09 L 3962) was located. The initial suit documented that Subject 1 posed no danger, or threat of danger, to Officer A. It also documented that Subject 1 was shot by Officer A without justification and at the time of the shooting. It documented that Subject 1 committed no action to reasonably believe he had committed or attempted to commit a felony which involved use or threatened use of physical force likely to cause death or serious injury. The suit documented that Subject 1 was represented by Attorney A. A petition for discover was filed on 03 April 2009 and an order of court's motion cause was dismissed on 26 July 2010.

In an audio recorded interview with IPRA on 4 May 2011, the involved officer, Officer A, stated he was an off-duty officer wearing a Halloween costume at the time of the

incident. Officer A just arrived to the Halloween party when someone approached him about someone with knives, now known as Subject 1, arguing outside with Officer A's brother. Officer A went outside and saw Subject 1 and Officer A's brother telling the Subject 1 to leave.

At this time, Officer A drew his weapon, announced he was a PO, and told Subject 1 to drop his knives. Officer A repeatedly told him to drop his knives and his brother told him to leave. Officer A stated Subject 1 said something incomprehensible and started to charge Officer A's brother. Officer A stated in fear of his brother's life, he discharged his weapon. Officer A continued charging his brother at a faster pace thus Officer A continued discharging his weapon. Officer A stated he placed Subject 1 in handcuffs when he finally fell to the ground. Officer A stated someone was calling the police and asked him what they should say. Officer A grabbed the phone and told the dispatcher that he was an off-duty officer, he was involved in a police shooting, and asked for an ambulance. Officer A stated he did not consume any alcohol at the party. Officer A stated he recalled firing six shots.

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A was **Justified** and in compliance with Chicago Police Department policy and Illinois State statutes. 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 involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

Officer A's actions were in accordance with the requirements of the Department's Use of Deadly Force Policy. Officer A was in accordance with the statute "to prevent death or great bodily harm to the sworn member or to another person" because he reasonably believed Witness 1's life was in danger when Subject 1 charged him with a knife in each of his hands. The reports and witness statements document that there was a high likelihood that Witness 1 was in danger of "great bodily harm" described in the statute.

Subject 1 attempted to enter the party at Witness 1's residence. After refusal to entry, many witnesses asked for Officer A to go outside to approach the individual. Officer A and Witness 1 asked Subject 1 many times to leave the residence. Officer A also announced his office. Officer A noticed Subject 1 had a knife in each of his hands and approached Witness 1 in a threatening manner. Officer A ordered Subject 1 several times to drop his knives. Subject 1 ignored the orders and continued to charge Witness 1. In fear of Witness 1's life, Officer A discharged his weapon at Subject 1 striking him several times until he stopped his charge against Witness 1 and he fell to the ground. Officer A called 911 and asked for an EMS. This account is verified by several witnesses.

It should be noted that Subject 1 was intoxicated during the incident which was supported by his brother, Witness 7 and his friends, Witness 11. Also Subject 1 was involved in a physical altercation just prior to the shooting.