

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1026225/U#09-12

INVESTIGATION

NUMBER: Log #1026225, U#09-12

OFFICER

INVOLVED #1: "Officer A" (Chicago Police Officer); Male/White; 35 years old; On-Duty; In uniform; Year of Appointment – 2003

OFFICER

INJURIES: Bruising to arms.

OFFICER

INVOLVED #2: "Officer B" (Chicago Police Officer); Male/Black; 53 years old; On-Duty; In uniform; Year of Appointment – 1982

OFFICER

INJURIES: Abrasions.

SUBJECT: "Subject 1"; Female/Black; 30 years old

SUBJECT

INJURIES: One gunshot wound to the right abdomen exiting the left flank. Treated at Northwestern Hospital. (Non-fatal)

INITIAL

INCIDENT: Fraudulent use of a Credit Card

DATE/TIME: 09 May 2009, at 1220 hours

LOCATION: 150 E. Walton
Beat 1833

SUMMARY OF INCIDENT:

On 09 May 2009, at approximately 1220 hours, the subject, now known as Subject 1, entered the Louis Vuitton store located at 919 N. Michigan and attempted to purchase items with a stolen credit card. The store security guard, Witness 1, had received prior information on thefts in the area from Officer C, who is assigned to the 018th District. Witness 1 contacted Officer C on her mobile phone to inform her that she believed that there was a person attempting to use a stolen credit card in the store. Officer C informed Witness 1 that she was sending the police. **Officer B**, who was in the area on foot, heard the call and telephoned Officer A on his mobile telephone and related that he would assist, but due to him being on foot, Officer A would have to pick him up. Officer A picked up **Officer B** in his squad car and they both responded to the scene. When the officers arrived at 919 N. Michigan, they exited the squad car. As Officer A and **Officer B** attempted to enter the store, Subject 1 was attempting to exit. Officer A and **Officer B** attempted to detain Subject 1 but a struggle ensued and Subject 1 was able to escape out of the store. Subject 1 ran north on Michigan Avenue and then east on Walton Street. Subject 1 then jumped into a waiting vehicle, a Chevrolet Monte Carlo, which was parked on the south side of Walton Street.

The Monte Carlo was being driven by Subject 2, Subject 1's nephew. Officer A pursued Subject 1 to the passenger side of the Monte Carlo. Officer A grabbed Subject 1 from behind around her waist and both of them fell inside the vehicle. Subject 1 yelled to Subject 2 to leave the area. Subject 2 placed the vehicle in drive and the vehicle moved forward. Officer A ordered Subject 2 to stop the vehicle and Subject 2 complied. Subject 2 then got out of the vehicle and Subject 1 climbed over the center console¹ and placed the vehicle in drive again. Officer A dispensed his OC spray striking both Subject 1 and Subject 2². The vehicle stopped again and Subject 2 fled from the Monte Carlo on foot.

Subject 1 jumped to the driver's side of the vehicle and attempted to place the vehicle in motion. **Officer B** approached the vehicle. **Officer B** had his weapon out and was standing outside the open driver's side door instructing Subject 1 to cease her actions. Subject 1 reached out and grabbed **Officer B's** duty weapon and a struggle ensued over the weapon. The officers yelled at Subject 1 to release the weapon, but she failed to comply with the verbal commands. Fearing that **Officer B** would be disarmed, Officer A fired his duty weapon once striking Subject 1. Subject 1 was transported to Northwestern Hospital by Chicago Fire Department Ambulance 43.

¹ A CPD Case Supplementary Report documents that Subject 2 told detectives that Subject 1 was half way on his lap trying to steer the car.

² In Officer A's statement with IPRA, as well as his account related to the Roundtable Panel, he stated that Subject 2 was gone when he discharged his OC spray. Therefore, Officer A only discharged his OC spray at Subject 1.

INVESTIGATION:

Witness 2 related to the Roundtable Panel that Subject 1 entered the Louis Vuitton store and began browsing. As Subject 1 browsed, Witness 2 approached her and asked her if she needed any assistance. Subject 1 began looking at handbags. Witness 2 asked Subject 1 if she would like to see the shoes that match the bag that she was looking at and the two walked over to the shoes. Subject 1 picked out items and became jittery. Witness 2 walked Subject 1 and the items to a checkout counter. At the counter, Witness 2 totaled Subject 1's purchases and she handed him a credit card and stated, "If that one does not work try this one," and handed Witness 2 a debit card with a first name of "D." The name on the credit card and debit card matched the name "D." Witness 2 requested identification and Subject 1 gave him a Bally's Total Fitness card with a picture of a white female on the back³. Witness 2 left Subject 1 at the counter and went to a rear room to talk to his manager, Witness 3. The security guard, Witness 1, entered the room and informed Witness 3 and Witness 2 that she contacted the police. Witness 3 exited the rear room, approached the counter, and informed Subject 1 that she needed state identification. Witness 3 then began to complete the transaction in an attempt to keep Subject 1 in the store. Subject 1 then attempted to leave and as she made her way to the door, officers arrived on the scene. Witness 2 did not observe the shooting and remained inside the store. (Att.5)

Witness 1 related to the Roundtable Panel that she was in the back of the store when she observed Subject 1 enter the store. Witness 1 walked to the front of the store in the area near Subject 1. Subject 1 spoke to Witness 1 and stated, "Are you a corrections officer?" Witness 1 replied, "No." Subject 1 then glanced out of the window on the north side of the store and continued walking around. Witness 1 followed Subject 1. Witness 1, who had been provided with prior information about people using stolen credit cards and a brief description of possible suspects, contacted Officer C by mobile telephone. Officer C instructed Witness 1 to stall Subject 1 and keep her in the store. Subject 1 began looking at handbags and shoes. Subject 1 then went to the checkout counter with the sales clerk, Witness 2. Witness 1 observed a Chicago Police vehicle pull up in front of the store and two uniformed officers, now known as Officer A and **Officer B**, exited the vehicle. As the officers entered the store, Subject 1 made attempts to exit the store through the revolving doors. The officers attempted to grab Subject 1 and a struggle ensued. Subject 1 yelled out, "Are you serious? For what!" and slipped out of her sweater. Subject 1 ran out of a side front door and dropped her purse. Witness 1 observed Subject 1 run to a waiting vehicle. Witness 1's attention was diverted as she instructed people to get out of the windows. Witness 1 did observe **Officer B** with his weapon out, but she did not hear or observe the shooting. (Att.5)

Witness 3 related to the Roundtable Panel that the security guard, Witness 1, informed her that Subject 1 was attempting to steal items from the store. Witness 3

³ Subject 1 is a black female.

spoke to Witness 2 and instructed him to stall Subject 1. Witness 2 showed Witness 3 the receipts signed by Subject 1. Witness 3 then approached the counter and informed Subject 1 that her signatures did not match the cards. At that point, Subject 1 attempted to give other cards but then took the cards and walked away from the counter toward the exit. As Subject 1 approached the front door, Witness 3 observed two officers, now known as Officer A and **Officer B**, enter the store and attempt to stop Subject 1. Subject 1 began to struggle with the officers. Subject 1 pulled away from the officers, dropped her purse, and fled the store. Witness 3 then walked back to her office and did not hear the shooting or see anything else. (Att.5)

Witness 4 related to the Roundtable Panel that he and his wife, Witness 5, were walking down Michigan Avenue when he observed a black female, now known Subject 1, run out of the Louis Vuitton store, followed by a white male officer, now known as Officer A, and a black male officer, now known as **Officer B**. Subject 1 entered the passenger side of a black vehicle parked on Walton Street. Subject 1 was followed by Officer A. Officer A grabbed Subject 1 around the waist and they both fell into the vehicle. A struggle ensued and the vehicle moved forward then stopped. Suddenly, a black male, now known as Subject 2, that was on the driver's side of the vehicle, jumped out the vehicle and ran from the scene. The vehicle then moved backwards then forward. Witness 4 then heard the officers yelling, but was unable to recall exactly what was said. Witness 4 then heard one gunshot. (Att.5)

Witness 5 related to the Roundtable Panel in essence the same information as reported by Witness 4. In addition, Witness 5 related that she heard the white male officer, now known as Officer A, yell, "Let go of the gun or I'll shoot!" At that point, Witness 5 heard one gunshot. (Att.5)

Witness 6 related to the Roundtable Panel that at approximately 1215 hours, he was in the Louis Vuitton store when he observed a black male uniformed officer, now known as **Officer B**, and a white male uniformed officer, now known as Officer A, enter the store. As the officers entered the store, a female employee motioned to the officers that the black female, now known as Subject 1, they had called about was leaving the store. **Officer B** stopped Subject 1 inside the revolving door. Subject 1 backed into the store and Officer A instructed her to place her hands behind her back. At that point, Subject 1 broke free from Officer A and ran out of the store and into a vehicle parked on Walton Street. The officers followed Subject 1 and Witness 6 left the store. Witness 6 observed Officer A attempt to grab Subject 1 as she entered the vehicle, but the two of them fell inside of the vehicle and a struggle ensued. **Officer B** then ran to the driver's side of the vehicle with his gun out, tapped on the window, and yelled, "Roll down the window." At that point Witness 6 re-entered the store. As Witness 6 entered the store someone stated, "He just shot her." Witness 6 looked out of the window and observed Subject 1 on the ground. (Att.5)

Witness 7 related to the Roundtable Panel that he was driving a taxi cab eastbound⁴ on Walton Street toward the Drake Hotel when he observed a black Monte

⁴ Should be westbound because Walton Street is a one way street going west.

Carlo driving in reverse and then forward on the Walton Street. Witness 7 observed an unknown male, running eastbound on Walton toward the lake. Witness 7 got on his mobile telephone, contacted "911," and provided the operator with a description of the unknown black male. As Witness 7 talked with the operator, he heard a single gunshot. Witness 7 then informed the operator what he had heard. Witness 7 drove closer to the area and observed an unknown white female sitting in a white VW Bug and looking upset. The unknown female in the vehicle stated, "The policeman just shot at that vehicle or shot the driver," pointing to the black Monte Carlo in the street. Witness 7 moved closer and observed a black female, now known as Subject 1, lying on the ground. Witness 7 did not observe the shooting. (Att.5)

Witness 8 related to the Roundtable Panel that he and his girlfriend, Witness 9, were walking on the north side of Walton Street near the Drake Hotel when he heard what he described as tires screeching. Witness 8 then observed a black vehicle moving back and forth on Walton Street. A black male officer, now known as **Officer B**, drew his weapon and yelled, "Stop the vehicle!" The vehicle came to a stop and Witness 8 heard one gunshot. Witness 8 then observed an unknown black female, now known as Subject 1, lying on the ground. (Att.5)

Witness 9 related to the Roundtable Panel in essence the same information as reported by Witness 8. In addition, Witness 9 related that she observed an unknown black male, now known as Subject 2, exit the vehicle and flee the area on foot. Witness 9 also related that she observed **Officer B** holding a weapon in his hand. Witness 9 then turned away and walked inside a coffee shop. As Witness 9 entered the shop, she heard one gunshot. (Att.5)

Officer B related to the Roundtable Panel that he heard a call of a repeat offender attempting to purchase items in a store on Michigan Avenue. **Officer B** then heard Officer A respond to the call. **Officer B** contacted Officer A on his mobile telephone and told him that he would assist him, but Officer A would have to come pick up **Officer B** in the area of Chicago Avenue and Rush Street. Officers **Officer B** and Martin stopped their vehicle in front of the Louis Vuitton store at 919 N. Michigan. As the officers exited the vehicle and began to enter the store, store personnel began motioning toward the revolving door at a black female, now known as Subject 1. Officer A walked through the revolving door and Subject 1 attempted to exit through the revolving door. **Officer B** stopped Subject 1 in the door and she stepped back into the store. Officer A attempted to handcuff Subject 1, but she began to struggle with him. Subject 1 slipped out of her sweater, fled the store, and ran around the corner to a waiting vehicle. Officer A followed Subject 1.

As Subject 1 reached the vehicle, she opened the passenger side door. Officer A grabbed Subject 1 around the waist and the two of them fell into the vehicle. As Subject 1 got in to the vehicle she screamed to the driver, "Pull off!" The vehicle moved forward and Officer A yelled, "Stop the vehicle!" The driver, now known as Subject 2, reversed the vehicle out of a parking space, stopped the vehicle, opened the driver's

side door, and fled from the vehicle. Subject 1 moved her body to the center console, placed her foot on the accelerator, and the vehicle moved forward then backwards. **Officer B** jumped out the way of the vehicle and drew his weapon. He approached the driver's side of the vehicle and began yelling instructions towards Subject 1. Subject 1 grabbed **Officer B's** duty weapon and began pulling at the weapon. Officers **Officer B** and Martin yelled several times at Subject 1 to release the weapon but she failed to comply. Officer A yelled out, "Let go his gun or I'll shoot!" Officer A then fired one round. **Officer B** related that Officer A discharged his OC Spray at some point but he was unsure when that took place. (Att.5)

Detective A related to the Roundtable Panel that he responded to Northwestern Hospital and spoke with Officer A. Officer A related in essence the same information as **Officer B**. In addition, Officer A related that Subject 1 entered the vehicle and he grabbed her around the waist. Both of them were in the vehicle but Officer A's legs were out of the vehicle. Somehow, Subject 1 was able to reach her body over the center console and she yelled to the driver, now known as Subject 2, to "Get out of here!" The vehicle moved forward and then backwards. Officer A then withdrew his weapon and yelled, "Stop the vehicle!" The vehicle stopped and Subject 2 placed his hands in the air. Officer A holstered his weapon and Subject 1 yelled, "I can't go to jail!" Subject 1 then got her left foot on the accelerator and maneuvered the gears so that the vehicle moved forward. Officer A then discharged his OC spray. At that point, Officer A observed that the driver's side door was open and Subject 2 was gone. Subject 1 moved the gear shift again and the vehicle moved backwards and struck something. The vehicle then moved forward. **Officer B** was on the driver's side of the vehicle with his weapon in his right hand. Subject 1 reached forward and grabbed **Officer B's** weapon. Officer A yelled, "Let go of the weapon." Subject 1 failed to comply and continued to pull at the weapon. Officer A discharged one round at Subject 1. Subject 1 then slumped to the left in the vehicle. (Att.5)

The Weapon Discharge Report from On-Call Incident Commander included an account of the incident that is consistent with the Summary of Incident. (Att.4)

The related Department Reports, including the Arrest Report, Original Case Incident Report, and Supplementary Reports, included accounts of the incident that are consistent with the Summary of Incident. A Supplementary Report added that after the shooting, a witness pointed Subject 2 out to a Chicago Police Sergeant, who was on the scene. Subject 2 was acting suspiciously and walked off going southbound on Michigan Avenue. Officers attempted to follow Subject 2, at which time he began to jog down Michigan going southbound. Officers, along with the Chicago Police Sergeant, were able to stop Subject 2 at 845 N. Michigan. Officer A positively identified Subject 2 as the offender that attempted to flee in the vehicle and ultimately fled on foot from Walton and Michigan. Subject 2 was charged with Aggravated Battery to a Peace Officer. Subject 1 was charged with Forgery, Disarming an Officer, and two counts of Aggravated Battery to a Peace Officer. (Att.12,14,15,24,87)

In a statement with IPRA dated 09 May 2009, Witness 4 stated that on the date of the incident he was walking north on Michigan Avenue. As he approached Walton Street, Witness 4 observed an eleven passenger white marked CPD van pull up and stop next to the Louis Vuitton store. A black male officer, now known as **Officer B**, and a white male uniformed officer, now known as Officer A, got out of the van and entered the store. As Witness 4 passed the store, a black female subject, now known as Subject 1, ran past him going east on Walton towards a parked black colored Monte Carlo vehicle. A black male subject, now known as Subject 2, exited the vehicle from the right front passenger seat and ran east on Walton. Subject 1 got in the car alone behind the driver's wheel.

Officer A pursued Subject 1 and entered the vehicle on the right front passenger door. **Officer B** reached the driver's door, pulled out his gun, and pointed it at the driver's window which was up at that time. **Officer B** asked Subject 1 several times to "stop." Subject 1 backed up the vehicle and **Officer B** asked Subject 1 again to stop. The vehicle then moved forward with full force. Witness 4 got behind the Drake Hotel, on the northeast corner, to avoid being struck by the vehicle or a bullet. Approximately ten seconds later, Witness 4 heard what sounded like a gunshot. Witness 4 came back around the corner and saw that the Monte Carlo had both of its doors open and there was no one inside the vehicle. Witness 4 looked into the car through the open passenger door and saw a group of several police officers standing by the driver's door. Witness 4 then saw the driver, referring to Subject 1, after she was placed on a stretcher and into an ambulance. Witness 4 did not see Subject 1 after she pulled forward in the vehicle and he went behind the building. (Att.38)

In a statement with IPRA dated 09 May 2009, Witness 7 stated that on the date of the incident he was driving alone in his cab going westbound on Walton approaching Michigan. Witness 7 observed a black colored Monte Carlo moving backward and forward in traffic. The vehicle was also westbound on Walton about fifty feet in front and to the right of Witness 7's vehicle. Witness 7 observed a black male subject running eastbound on the south sidewalk away from Michigan Avenue. Witness 7 called 911 and reported that there was some kind of problem. Witness 7 then heard what sounded like two gunshots. Witness 7 was still driving westbound on Walton and saw a white van to his front and a convertible VW Bug vehicle to his right front. Witness 7 got out of his vehicle and observed an unidentified black female subject, now known as Witness 10, who was alone in the VW Bug.

Witness 7 approached Witness 10 and observed that she looked like she was "semi fainted." Witness 7 asked Witness 10 was she all right and Witness 10 responded, "The policeman shot at the car or shot at the driver." Witness 7 walked to the Monte Carlo and observed what appeared to be a can of mace on the ground near the driver's door, which was half open. A black female subject, now known as Subject 1, was sitting behind the driver's wheel, alone in the car. Subject 1 was sitting back in pain, not speaking, but groaning. Witness 7 observed that Subject 1 was bleeding from a wound to her left stomach and side area and also a wound to her left leg. Witness 7

then noticed a black male officer, now known as **Officer B**, standing next to him and appeared to either be crying or having a hard time breathing. More police and paramedics arrived and took Subject 1 out of the vehicle, placed her on a stretcher, and put her into an ambulance. Subject 1 did not speak to Witness 7. (Att.40)

In a statement with IPRA dated 09 May 2009, Witness 9 stated that on the date of the incident she was walking from the Drake Hotel to an attached coffee shop. Witness 9 looked across the street and saw a black vehicle. There was a white male officer, now known as Officer A, in the right front seat of the vehicle and he appeared to be searching for something. Witness 9 then observed a male black, now known as Subject 2, run from the vehicle and towards Michigan Avenue. Witness 9 stated that she believed that Officer A got out of the car and ran after Subject 2. The vehicle then began to move forward.

A black male officer, now known as **Officer B**, leaned into the driver's door, which was open, and appeared to be talking to the driver. The vehicle moved forward again. Witness 9 stated that the vehicle was so close to **Officer B** she thought he might get struck. Witness 9 stated that she observed **Officer B** with a gun in his hand, then she turned away to enter the coffee shop.

At that point, Witness 9 heard what sounded like a gunshot. Witness 9 went back outside and saw **Officer B** standing near the vehicle with the driver's side door open. Witness 9 then went back inside the coffee shop and told employers and customers that she thought someone had been shot. Witness 9 never saw the driver of the vehicle. However, when Witness 9 left the coffee shop she saw a black female subject, now known as Subject 1, lying on the ground near the driver's side door facing towards the rear of the car. (Att.42)

In a statement with IPRA dated 09 May 2009, Witness 8 stated that on the date of the incident he was between the Drake Hotel and a coffee shop on Walton Street, on the north side of the street heading westbound. Witness 8 heard a "squeal" from a black colored Chevy vehicle. Witness 8 observed a struggle between a black male officer, now known as **Officer B**, and a person inside the driver's side of the vehicle. A white male officer, now known as Officer A was on the passenger side of the vehicle. Witness 8 stated that he looked away and Officer A was gone. Witness 8 and his girlfriend, Witness 9, stepped inside a coffee shop. Witness 8 looked outside the coffee shop and saw the black colored vehicle had pulled away from the curb and **Officer B** had withdrawn his weapon. **Officer B** ran after the vehicle while commanding the driver of the vehicle to "stop." Witness 8 then heard what sounded like a gunshot or firecracker. **Officer B** approached the driver's side of the vehicle and Witness 8 then observed a person on the ground. The person appeared to be a woman, now known as Subject 1. (Att.44)

In a statement with IPRA dated 09 May 2009, Witness 10 stated that on the date of the incident she was in a white Volkswagon Beatle behind a black vehicle. Witness 10 noticed that the doors were open on the black vehicle which was moving

slowly. Witness 10 stated that she saw a black male subject, now known as Subject 2, who she assumed exited the vehicle, run east on Walton. Two officers, one black male, now known as **Officer B**, and one white male, now known as Officer A, were in the black vehicle. **Officer B** exited the driver's side with his weapon drawn, then Witness 10 heard what sounded like a pop or firecracker. A woman, now known as Subject 1, fell out of the passenger side of the vehicle and onto the ground in a fetal position. Subject 1 laid on the ground for about five minutes before the paramedics arrived. Witness 10 stated that Subject 1 appeared to be getting away because the car wheels "squealed" forward and it appeared that the officers were trying to do their jobs. Witness 10 stated that it did not appear that the officers did anything wrong. (Att.46)

In a statement with IPRA dated 09 May 2009, Witness 6 stated that on the date of the incident he was in the Louis Vuitton store. A black male officer, now known as **Officer B**, and a white male officer, now known as Officer A, entered the store and an employee of the store was motioning to the officers that a black female subject, now known as Subject 1, leaving the store was the one that they wanted. **Officer B** stopped Subject 1 from leaving the store through the revolving doors and temporarily trapped her in between the doors while Officer A was inside the store waiting for Subject 1 to come inside. Officer A told Subject 1 to put her hands behind her back and told Subject 1 that she was under arrest. Officer A attempted to arrest Subject 1 but Subject 1 ran out of a side door and then around the corner to Walton Street. Subject 1 entered a two door black Monte Carlo and Officer A attempted to get her out of the passenger side. Subject 1 appeared to be resisting. **Officer B** ran up to the driver's side door and stated, "Open the fucking door or I'm going to shoot." Witness 6 walked back into the store and looked out the window. Witness 6 observed the driver's side door was open and Subject 1 was on the ground. **Officer B** appeared to be distressed after the incident. (Att.48)

In a statement with IPRA dated 09 May 2009, Witness 5 stated that on the date of the incident she and her husband, Witness 4, were walking down Michigan Avenue. A black male officer, now known as **Officer B**, and a white male officer, now known as Officer A, attempted to stop and arrest a black female subject, now known as Subject 1, inside the Louis Vuitton store. Subject 1 got away from the officers by slipping out of her gray hoodie, running and ran around a corner onto Walton Street, and getting into a black colored vehicle. There was a black male subject, now known as Subject 2, in the vehicle. Subject 2 got out of the vehicle and ran east on Walton. Subject 1 got into the passenger side of the vehicle as Officer A approached the vehicle. **Officer B** drew his weapon and told Subject 1 to "stop or he will shoot." Witness 5 heard the vehicle start. Officer A attempted to stop Subject 1 from driving off, resisting arrest, and trying to get away. Subject 1 attempted to drive off while both officers attempted to stop her from fleeing the scene.

Witness 5 stated that she and Witness 4 went around the corner and then she heard a gunshot. Witness 5 stated that she "knows a gunshot because she has knowledge of weapons." Witness 5 stated that she and Witness 4 ran around a corner and observed Subject 1 on the ground. **Officer B**, as well as Officer A, both seemed

distressed. Witness 5 stated that she feels that the officers did everything they could to stop Subject 1. (Att.50)

In a statement with IPRA dated 09 May 2009, Witness 1 stated that she is employed by the Louis Vuitton store as a security officer. On the date of the incident, Witness 1 was working at the store and observed a black female subject, now known as Subject 1, in the store. Witness 1 stated that she had seen Subject 1 in the store previously, and had seen as photos of her as possible shoplifter. Witness 1 notified Officer C, a CPD officer, on her cellphone and informed her that Subject 1 had returned. Officer C told Witness 1 to stall Subject 1, who was making a purchase at the time. Witness 1 informed the store's operations manager, Witness 3, that Officer C was sending the police. Witness 2, a clerk at the store, told them that Subject 1 produced a Visa debit card, a visa credit card, and a black and white Bally's Fitness photo identification card of a Caucasian woman. Witness 1 stated that as the police pulled up, Subject 1 headed to the exit door on Michigan Avenue.

As Subject 1 was walking through the revolving doors, the police were walking into the store. The police held the door, preventing Subject 1 from exiting. The police struggled with Subject 1 inside the store as they attempted to handcuff her. Subject 1 ran out of a handicapped door and jumped into a waiting, black, two-door Monte Carlo, with a black male subject inside, now known as Subject 2, who was the driver. At that point, Witness 1 turned and assisted with the customers.

Approximately three to four minutes later, Witness 1 observed a crowd of customers looking out the window towards Walton Street. Witness 1 went to the window and observed "Subject 1 sitting on top of Subject 2" with her hands on the steering wheel. Subject 2 was facing an officer with his hands up. The vehicle was not moving. An officer, now known as **Officer B**, was standing with the door open with his weapon in his hand. The vehicle began to move backward and then forward. **Officer B** was following the vehicle while standing outside of it. Witness 1 began moving people from the window because the "gun was out." Witness 1 then looked through the window and observed Subject 1 lying on the ground in the middle of the street. (Att.52)

In a statement with IPRA dated 05 June 2009, Witness 3 stated that she is the Operations Manager at the Louis Vuitton store. On the date of the incident, a black female subject, now known as Subject 1, came into the store to purchase some merchandise. Witness 3 was helping someone else when the security officer, Witness 1, approached her and told her that she had called the police. Witness 3 stated that Subject 1 had been in the store on previous occasions and Witness 1 realized who she was. Shortly afterwards, "Witness 2⁵," a sales associate at Louis Vuitton, approached Witness 3 and stated that Subject 1 was attempting to use two credit cards while producing a Bally's Total Fitness card as identification. The Bally's card had a white female subject pictured on the back of the card. Witness 3 attempted to stall Subject 1 in the store until the police arrived by continuing to process Subject 1's purchase which totaled \$3698.89.

⁵ Now known as Witness 2 in a statement with IPRA.

Witness 3 continued to try to keep Subject 1 in the store by telling her that her signatures on the receipt and credit card did not match. Subject 1 grabbed her identification and credit cards and attempted to leave the store. As Subject 1 was leaving the store the police arrived. All the employees and the security guard pointed at Subject 1 so that the police would see her. Witness 3 then went to a wrapping station behind the register because she thought that the police had Subject 1. Shortly afterwards, Subject 1 ran out the door and dropped her purse while the police ran after her. Witness 3 stated that she saw nothing further and that she never heard any gunshots fired. (Att.64)

In a statement with IPRA dated 05 June 2009, Witness 2 stated that he is a sales associate at the Louis Vuitton store. On the date of the incident, a black female subject, now known as Subject 1, entered the store to purchase merchandise. Witness 2 approached Subject 1 to assist her. As Witness 2 began to ring up Subject 1's merchandise, Subject 1 gave him two credit cards. Witness 2 asked for Subject 1's identification and Subject 1 handed him a Bally Total Fitness card. Witness 2 noticed that the photo on the card did not match Subject 1. Witness 2 went in the back of the store and told the manager, Witness 3, about the situation. The security guard, Witness 1, walked in and informed them that she had called the police.

Witness 2 then introduced Witness 3 to Subject 1 so that Witness 3 could take over the situation. At that point, Witness 2 had no further contact with Subject 1. Several minutes later, the police arrived at the store. Subject 1 attempted to leave the store through a handicapped door. The police attempted to grab Subject 1 but she pulled away. Subject 1 then "came out" of her hoodie and dropped her purse on the ground while running out of the store. Witness 2 continued to assist customers and did not witness anything further. Witness 2 stated that he never heard any gunshots at any time. (Att.67)

Case Supplementary Reports included an account of the incident that essentially is consistent with the Summary of Incident. The Case Supplementary Reports added that detectives spoke with Witness 2, who stated to detectives that Subject 1 is his aunt. Subject 2 related that on 08 May 2009, Subject 1 picked him up in her black Monte Carlo and he went to her residence and stayed the night. The next day, 09 May 2009, Subject 1 told Subject 2 she would drop him off at the Metra train station in downtown Chicago so that he could get on the train and go home. Subject 2 initially got in the passenger side of the Monte Carlo and Subject 1 began driving. While they were in the downtown area, Subject 1 pulled over and told Subject 2 to wait a minute and that she would be back in a minute. Subject 1 got out of the car and went into a store. Subject 2 was not sure what the name of the store was. Subject 2 got into the driver's seat of the vehicle in hopes that Subject 1 would let him drive her car.

After a while, Subject 2 observed Subject 1 running back to the car. Subject 1 came to the driver's side but saw Subject 2 in the driver's seat. Subject 1 then entered through the passenger's side door of the vehicle and Subject 2 observed a white male

uniformed police officer, now known as Officer A, chasing Subject 1. Subject 1 entered the car, came across the middle console of the vehicle between the two front seats, and was half way on Subject 2' lap trying to steer the car. The officer came into the car through the passenger side of the vehicle and was struggling with Subject 1. The officer was telling Subject 1 to stop fighting and to give him her hands. Subject 1 had her foot on the accelerator and was pushing down on it. Subject 2 stated that he may have put the car into gear while Subject 1 was stepping on the accelerator. The car jerked backward and hit something. At this point, a black male uniformed police officer, now known as **Officer B**, approached the driver's side of the vehicle, pulled his gun out, pointed the gun at Subject 2, and told him to stop and put his hands up.

Subject 1 continued struggling with the white male officer while trying to get away. The male white officer then maced Subject 2 and Subject 1. The black male officer then opened the driver's side door at which time Subject 2 either got out or was pulled out of the vehicle. Subject 2 then walked away from the car. Subject 2 walked for approximately a block, looked back, and saw more police cars and an ambulance pull up to where Subject 1's car was. Subject 2 walked back to the car where Subject 1 was to ask some questions and to see what had happened to Subject 1. Police officers began to approach Subject 2 and he started walking away. Subject 2 was subsequently placed under arrest. Subject 2 identified Subject 1 through a mugshot photo array as the person he was with when the police attempted to arrest her.

Detectives also interviewed **Officer B**. **Officer B** related that on the date of the incident, he was in uniform, assigned to Michigan Avenue foot post Beat 1882D. **Officer B** received a phone call from Officer C, who related to him that she received a phone call from the Louis Vuitton store about a female offender, now known as Subject 1, attempting credit card fraud. **Officer B**, who was aware that Officer A was responding, called and asked Officer A to pick him up for the assist. Officer A picked up **Officer B** in a marked police van and drove to the location.

As they were both walking towards the entrance, employees inside the store pointed to Subject 1, who was exiting towards the revolving door. Officer A prevented Subject 1's exit by using his hands and feet to stop the revolving door. Officer A entered the store via the side door, pulled Subject 1 back into the store, and attempted to place her in custody. As **Officer B** approached to assist Officer A, Subject 1 resisted and pulled away from both officers. A short struggle ensued at the handicapped access door, then Subject 1 slipped out of her jacket, fled north on Michigan Avenue, and then east on Walton with both officers in pursuit. Subject 1 ran to a waiting car driven by a black male subject, now known as Subject 2, parked on the south curb about two car lengths east on the southeast corner. Subject 2 tried to drive away as Officer A entered the car through the passenger door while attempting to remove Subject 1.

A violent struggle ensued between Officer A and Subject 1. **Officer B** approached the driver side to secure Subject 2 and assist his partner. When **Officer B** opened the driver's side door, Subject 2 jumped out the car and fled eastbound on Walton. **Officer B** observed Subject 1 slide into the driver seat with Officer A still

struggling to control her. The vehicle suddenly lurched in reverse and then forward, almost striking **Officer B** who had to jump out of the way to avoid being hit. **Officer B**, in fear of his own life and his partner's life, who was in the vehicle fighting Subject 1, ran back to the driver side door with his weapon drawn ordering Subject 1 to stop her actions. **Officer B** noticed the odor of pepper spray in the car as he grabbed Subject 1 with his left hand and tried to pull her out the open driver's door. Subject 1 turned towards **Officer B** and grabbed his weapon. While **Officer B** was struggling with Subject 1 for his weapon, he heard a gunshot. At that moment, Subject 1 let go of his weapon and fell out of the car.

Detectives then interviewed Officer A who provided an account that essentially is consistent with the Summary of Incident as well as his account that was related to the Roundtable Panel. Officer A added that he struggled with Subject 1 for control of the gear shift and keys. Officer A was unable to control Subject 1 so he discharged his pepper spray at her. Officer A was then able to place the vehicle into park and noticed that Subject 2 was out of the vehicle. Subject 1, who appeared to be unaffected by the OC spray, slid into to driver's seat and was able to take control of the gear shift and the vehicle lurched in reverse. The vehicle stopped and Officer A noticed that **Officer B** was at the driver's door with his gun drawn and attempting to pull Subject 1 out of the vehicle. Subject 1 grabbed **Officer B**'s gun and attempted to gain control of it. Officer A, in fear for his life and the life of **Officer B** and the lives of citizens in the area, pointed his weapon at Subject 1 and stated to her, "Let it go or I'm going to shoot you." Subject 1 did not comply and after a second or two, Officer A discharged one round to her midsection. Subject 1 let go of **Officer B**'s gun, slumped to the left and out of the vehicle. (Att.88,90,91)

The Tactical Response Report (TRR) completed by Officer A indicates that Subject 1 was an "assailant" who "fled, pulled away, posed an imminent threat of battery, attempted to disarm an officer, attacked without a weapon, used an automobile in an attempt to strike an officer, and used force likely to cause death or great bodily harm." The "Officer's Response" section indicates that Officer A used "his presence, verbal commands, OC chemical weapon, and his firearm" to subdue Subject 1. Officer A fired his weapon, a 9mm Sig-Sauer, Model P226, Serial Number U579235, once. (Att.10)

The TRR completed by Officer A indicates that Subject 2 was an "active resister" who "did not follow verbal direction, fled, and pulled away. The "Officer's Response" section indicates that Officer A used "his presence, verbal commands, and OC chemical weapon⁶" in an attempt to subdue Subject 2. (Att.16)

⁶ The TRR was not completed by Officer A. In Officer A's statement with IPRA, as well as his account related to the Roundtable Panel, he stated that Subject 2 was gone when he discharged his OC spray. Therefore, Officer A did not discharged OC spray at Subject 2.

Officer A's Battery Report indicates that he sustained non-fatal – minor injury. (Att.11)

Officer A's Injury on Duty Report indicates that he sustained pain to his elbow and heart complications for which he obtained medical treatment at Northwestern Hospital. (Att.25)

The TRR completed by **Officer B** indicates that Subject 1 was an “assailant” who “did not follow verbal directions, fled, pulled away, posed an imminent threat of battery, attempted to disarm **Officer B**, attacked without a weapon, and used an automobile in an attempt to strike **Officer B**.” The “Officer's Response” section indicates that **Officer B** used “his presence and verbal commands” in an attempt to subdue Subject 1. (Att.8)

Officer B's Battery Report indicates that he sustained non-fatal – minor injury. (Att.9)

Officer B's Injury on Duty Report indicates that he sustained injury to his lower back and inner thigh area near his groin for which he obtained medical treatment at Northwestern Hospital. (Att.26)

Evidence Technician Photographs and Videotape depict the location of incident, the recovered evidence, and Subject 1. (Att.29-33,37,63)

The Crime Scene Processing Report indicates that Officer A's weapon, a 9mm Sig-Sauer, Model P226, 4 ½ inch barrel, Serial Number U579235, was recovered on the scene and inventoried under number 11664991. Officer A was also in possession of another weapon, a Smith & Wesson, Model 10-7, .38 caliber revolver, 2 inch barrel, Serial Number AEP2050, which was recovered on the scene and inventoried under number 11665004. **Officer B's** weapon, a 9mm Beretta, Model 92FS, 4 ¾ inch barrel, Serial Number BER197859Z, was recovered on the scene and inventoried under number 11664999. (Att.28)

Attempts to interview Subject 1 and Subject 2 were met with negative results; they did not cooperate with this investigation (Att.71,74,79,80)

A Chicago Fire Department Ambulance Report indicates that paramedics responded to the scene on 09 May 2009, at 1220 hours, and observed Subject 1 who complained of being shot. Subject 1 stated that her abdominal area hurt. Paramedics observed three wounds: one entrance wound to Subject 1's right side lower abdomen, one exit wound to her left side lower abdominal area, and one wound to her left upper thigh area. Subject 1 was transported to Northwestern Memorial Hospital for medical treatment. (Att.57)

Medical Records from Northwestern Memorial Hospital indicate that Subject 1 sustained gunshot wounds to her right flank, left abdomen, and left thigh. The gunshot

wound to Subject 1's abdomen had an entrance and exit wound. The gunshot wound to Subject 1's anterior thigh had only an entrance wound. Subject 1 was diagnosed with gunshot wounds and mace exposure⁷. (Att.75)

Medical Records from Stroger Hospital indicates that Subject 1 was diagnosed with transabdominal gsw with multiple bowel injuries and ex-lap and gsw to her left thigh. (Att.81)

Medical Records from Cermak Health Services indicates that Subject 1 was diagnosed with a gsw to abdomen. (Att.82)

A Report from the Illinois State Police (ISP), Division of Forensic Services, dated 20 May 2009, indicates that Officer A's weapon, a 9mm Semi-Automatic, Sig Sauer, Model P226, Serial Number U579235, was examined, found to be in firing condition, and test fired. The recovered fired cartridge case was fired from Officer A's weapon. The fifteen unfired cartridges from Officer A's weapon were examined for caliber and type. The capacity for Officer A's weapon is sixteen. (Att.76)

An ISP Report, dated 20 May 2009, indicates that Inventory Number 11664999, which is **Officer B's** weapon, a 9mm Beretta, Model 92FS, 4 ¾ inch barrel, Serial Number BER197859Z, was examined and revealed no latent prints suitable for comparison. The capacity for **Officer B's** weapon is sixteen. (Att.77)

Civil Suit, 11 CV 03013, filed by Subject 1, indicates that on the date of the incident Officer A sought to place Subject 1 under arrest. Subject 1 does not challenge the existence of probable cause to arrest. During the course of placing Subject 1 under arrest, Officer A used excessive and unreasonable force causing Subject 1 to incur serious personal injuries. (Att.85)

Office of Emergency Management and Communication records indicate that on 09 May 2011, at 1216 hours, a male caller, identified as Michael Witness 7, called 911 and reported that there was a mugging or shooting because he heard a gunshot. Witness 7 reported observing a black male subject running away eastbound on Walton Street. (Att.83,86)

A DVD video surveillance recording from the Louis Vuitton store, located at 919 N. Michigan Avenue, showed that Subject 1 arrived at the store at 1156 hours. Subject 1 is then seen apparently shopping in the store between 1156 and 1216 hours. At 1200 hours, Subject 1 appears to be making a purchase and is talking with a male clerk. At 1202 hours, that same male clerk goes into a back room. Shortly afterwards, the male clerk exits the back room with a female clerk. The female clerk appears to start

⁷ Officer A only fired his weapon once which is why Subject 1 has two entrance wounds and one exit wound. Subject 1 was in a sitting position when she was shot.

talking to Subject 1. At 1203 hours, the male clerk and female clerk go back into the back room. Subject 1 walks away from the counter and appears to be shopping or waiting at the counter. At 1216 hours, Subject 1 talks with a store clerk and appears to be agitated.

At 1217 hours, Subject 1 attempts to leave the store through a revolving door. It is at this time police officers arrive and attempt to stop Subject 1 from exiting the store through revolving doors. A white male officer⁸ grabs Subject 1's arm and pulls her out of the revolving door. A black male officer⁹ enters the store, at 1218 hours, and Subject 1 attempts to run. At this time, both officers grab Subject 1 and push her up against a handicapped entrance door, which is located right next to the revolving door. At 1218 hours, Subject 1 pushes the handicapped door open and in doing so drops her purse in the doorway. Subject 1 and both officers then stumble out of the door and they are no longer seen on the recording. A black female subject, who appears to work at the store, picks up Subject 1's purse and follows the officers and Subject 1 out the door. The shooting is not captured on the surveillance footage. (Att.34,97)

POD #2602, located at 990 N. Michigan, POD #2039, located at 100 E. Chicago, and POD #2037, located at 800 N. Michigan, did not to show any footage related to the police involved shooting. (Att.20,21,22,96)

In a To-From-Subject-Report dated 22 July 2011, Officer C related that on the date of the incident she was on-duty and assigned to monitor the POD camera in the 018th District Station. During Officer C's tour of duty, she received a phone call from Witness 1 regarding a suspicious "F/1"¹⁰ in the Louis Vuitton store. Officer C stated that she could not remember the full details, but she was informed that the black female was in the act of committing a crime. Officer C stated that she has had prior contact with Witness 1 before the incident because she was assigned to Michigan Avenue as a foot officer as such, she would stop in the Louis Vuitton store on a regular basis to check in with Witness 1 and other employees. After Witness 1 informed Officer C that the suspicious person was attempting to commit a crime, Officer C notified OEMC. Officer C stated that she does not know Subject 1 nor has she had any contact with her. Officer C stated that she did not witness any part of the incident including the police involved shooting. (Att.102)

In a statement with IPRA dated 30 June 2011, involved Officer A stated that on the date of the incident, he was assigned to Michigan Avenue foot post, Beat 1882B. (Att.99,100) Officer A was in uniform and did not have a partner. Officer A's assignment as a foot officer was to monitor traffic on Michigan Avenue, parking violations, retail theft, and things of that nature. Officer A was driving a marked transport van.

On the date of the incident, as he was driving on Chicago Avenue, Officer A monitored a radio call of a retail theft/credit card fraud in progress at the Louis Vuitton

⁸ Now identified as Officer A through Department Reports.

⁹ Now identified as **Officer B** through Department Reports.

¹⁰ Terminology used in the Chicago Police Department meaning Black Female.

store at 919 North Michigan. As Officer A proceeded to the store, he received a cell phone call from **Officer B** who said that he would go with Officer A and asked to be picked up at Chicago Avenue around Rush Street. Officer A stated that **Officer B** was assigned to Michigan Avenue foot post and he did not have a squad car.

Officer A picked up **Officer B** and they proceeded to the Louis Vuitton store. When they arrived at the store, Officer A parked his vehicle on the east side of Michigan Avenue. As Officer A and **Officer B** entered the store through the revolving doors, they observed store employees pointing to Subject 1. Officer A identified himself as a police officer and attempted to put Subject 1 into custody. Subject 1 struggled with him. Subject 1 was flailing her arms, pushing Officer A away, and trying get away from him. Officer A stated that he believes that at this time **Officer B** was blocking the revolving door so that Subject 1 could not exit. Officer A stated that during the struggle he told Subject 1 to stop resisting and that she was under arrest. Subject 1 did not say anything as Officer A attempted to place handcuffs on her. Officer A grabbed Subject 1 by her sweatshirt, she slipped out of it, and ran out of what he believes was an emergency door. Officer A stated that he does not believe that the door that Subject 1 ran out of was the door that **Officer B** was blocking.

Subject 1 exited the store and ran northbound towards Walton Street. Officer A followed approximately five or six feet behind her. Officer A stated that during the pursuit he could not recall saying anything or giving any verbal commands, and he did not hear Subject 1 say anything while she was running.

Subject 1 made a right-hand turn on Walton Street, heading east, and jumped into the passenger seat of a vehicle. Officer A stated that he does not recall the kind of car Subject 1 jumped into but he thinks it was a two door smaller vehicle. Officer A followed Subject 1 into the vehicle where he observed a black male, who he later learned was Subject 2, sitting in the driver's seat of the vehicle.

Officer A stated that his purpose in jumping into the vehicle was to place Subject 1 into custody by placing her in handcuffs and removing her from the vehicle. Officer A attempted to remove Subject 1 from the vehicle by grabbing her by her waist. Officer A stated that he was "basically on top of Subject 1" as he was attempting to place her into custody. Officer A described himself as being "half and half" in the vehicle, meaning that his upper torso was pretty much in the vehicle on top of Subject 1 as he was hanging out of the vehicle from about his thighs down to his knees.

Subject 1 fought with Officer A and attempted to get away from him. Officer A described Subject 1 as 5'6" and about 200 pounds. Officer A described himself, at the time of the incident, as being 5'10" and probably right around 200 or 205 pounds. Officer A stated that in his opinion Subject 1 had the upper hand at that point because she was in the vehicle and he was "half way in, half way out, hanging."

At that point, Subject 1 yelled at Subject 2, "Let's go, let's get out of here." Subject 2 put the vehicle in gear and proceeded to try to and drive away with Officer A hanging outside the vehicle. Subject 1 was in the passenger seat, close to the center console. Officer A stated that at that time the vehicle was probably going five miles an hour and Subject 2 was in a parking spot trying to get out. Officer A stated that Michigan and Walton is a very busy intersection, with many cars and taxi cabs, so Subject 2 could not just pull out and speed away.

Officer A drew his gun from his holster, pointed it at Subject 2, and told him to stop the vehicle. Officer A stated that he removed his weapon from his holster because at that point he was in fear for his life. Subject 2 complied and put his hands up in the air. Subject 1 yelled at Subject 2, "Go, let's go, I can't go to jail," or words to that effect. Officer A could not recall Subject 2 saying anything. Officer A believed that after he pointed his gun at Subject 2, Subject 2 just stopped doing what he was doing. Officer A placed his weapon back in his holster because once the vehicle stopped, the threat level to him had decreased and he did not feel it was necessary to have the gun drawn.

After Subject 2 stopped the vehicle, Officer A continued to struggle with Subject 1. Subject 1 was moving closer and closer to the driver's seat, attempting to get into the driver's seat. At one point, Subject 1 physically straddled the center console and the gear shifter was directly in front of her and she had her left foot on the accelerator. Officer A and Subject 1 fought over the gear shifter. Officer A was trying to keep the vehicle in park and remove the key. Subject 1 was fighting with Officer A to get the vehicle in drive or reverse and drive away. Officer A stated that at this point, Subject 2 was still in the driver's seat for a couple of minutes and at some point he exited the vehicle. Officer A did not know which way Subject 2 went.

Officer A stated that at that point he did not know where **Officer B** was. The last time Officer A had seen **Officer B** was when they were approaching the store and **Officer B** was blocking the revolving door. Subject 1 eventually got the vehicle in reverse and Officer A believed that they struck a parked car¹¹. He heard a sudden "boom" and Officer A remembered that his whole body was shaking like they had hit something. Officer A stated that to the best of his knowledge, when the vehicle was in reverse, it was going five or ten miles per hour at most.

After Subject 1 put the vehicle in reverse, Officer A pulled out his OC spray and used it on Subject 1. Officer A stated that Subject 1 appeared to be a little bit affected by the OC spray. When Officer A first sprayed Subject 1, he believed that he got some OC spray directly in her face, but how much and how affected she was by it he does not know. Officer A stated that he was affected by the OC spray in the car because he was choking a little bit and it bothered his throat a little bit. Officer A stated that his eyes were not affected.

¹¹ There is no evidence that indicates that Subject 1 struck a parked vehicle.

Officer A stated that he went from pointing his weapon to using OC spray because when he pulled out his weapon initially, he was hanging out of the vehicle. At that point, Officer A classified both Subject 1 and Subject 2 as assailants. Officer A stated that he was fully dressed in uniform and trying to perform a lawful arrest. Subject 2 had put the car in drive, tried to get away, and was helping Subject 1 escape while Officer A was hanging out of the vehicle. Officer A stated that he was in fear for his life at that point. Officer A stated that when he used his OC spray Subject 1 was still an assailant. Officer A was completely in the car struggling with Subject 1, thus not worried about his legs getting ran over. At that time, Officer A felt that using his OC spray was the appropriate action to take.

Officer A continued attempting to put Subject 1 in custody. Officer A stated that the vehicle moved in reverse and he believes it went forward a little bit at some point. During the struggle, **Officer B** eventually made his way to the vehicle and approached the driver's side. **Officer B** opened up the driver's side door and attempted to get Subject 1 out of the vehicle by pulling her out with his hands.

Shortly after **Officer B** attempted to get Subject 1 out of the car, the car went back into gear because Officer A and Subject 1 were still fighting over the gear shifter. Subject 1 got the vehicle into drive and went forward in **Officer B**'s direction almost striking him. Officer A stated that at that point they were in a lane of traffic. Officer A stated that Subject 2 was the one who initially got the vehicle into a lane of traffic when he had put the vehicle into reverse. **Officer B** got out of the way as the vehicle moved towards him. Officer A could not recall if any cars were passing by at that time. Officer A ended up getting the vehicle into park and attempted to get the key out but he believes that the key broke off in the ignition¹².

Officer B returned to the vehicle with his firearm drawn. **Officer B** opened up the driver's door and Officer A told **Officer B**, "the car is in park. Just get her out. Just rip her out of the car." Subject 1 "went crazy" in the car and started fighting with Officer A and **Officer B**. At that point, **Officer B** attempted to get Subject 1 out of the car while Subject 1 grabbed **Officer B**'s firearm in an attempt to get control of his weapon.

At that point, Officer A stated he was in fear for his life and for **Officer B**'s life. Officer A removed his firearm from his holster and stated to Subject 1, "Let it go or I am going to shoot you." Officer A waited about a second and observed that Subject 1 was still not complying with any directions he was giving her. Officer A could not recall if Subject 1 was saying anything but stated that she was acting like a maniac, going crazy. At that time, Officer A discharged his firearm once striking Subject 1 in the right side of her body. Officer A stated that he was half a foot away from Subject 1 when he fired his weapon. Officer A described his posture as sitting in the vehicle with his right arm basically at his side with his forearm towards Subject 1's side. Officer A stated that Subject 1 was facing southwest and dealing with **Officer B**.

¹² Evidence technician photographs depict a key sticking out of the ignition of the Monte Carlo.

After Officer A fired his weapon at Subject 1, she made a noise and went limp. At that point, Officer A determined that the threat was over. Officer A stated that the weapon he fired was a Sig Sauer, Model P226, which is his regular duty weapon. Officer A stated that he was aware that **Officer B** was in close proximity when he fired his weapon and at that time there were no other force options available. After Officer A fired his weapon, he went over the radio and stated, "Shots fired, Michigan and Walton, 10-1, ambulance," and requested a supervisor.

Officer A stated that he went to Northwestern Hospital and was admitted overnight because his blood pressure was "through the roof" and he believes that hospital personnel thought that he had something wrong with the left ventricle in his heart. Officer A refused to sign a medical consent form releasing his medical records. Officer A stated that he has not spoken to **Officer B** since he retired. (Att.99,100)

Officer A's Medical Records from Northwestern Hospital dated 09 May 2009 indicate that he was diagnosed with shoulder/chest pain secondary to musculoskeletal trauma during altercation, hypertension, hyperlipidemia, and negative exercise stress echocardiogram. (Att.109)

A Personnel Action Request (PAR) form for Officer B indicates that on 16 June 2010, **Officer B** retired from the Chicago Police Department. (Att.95)

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A 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 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 both conditions of CPD's deadly force policy. Officer A, as well as **Officer B**, gave Subject 1 continuous verbal commands to stop her actions which she ignored. Subject 1 was well aware that Officer A and **Officer B** were police officers because they were dressed in full CPD uniforms. **Officer B** drew his gun so Subject 1 would cease her actions; However, she grabbed **Officer B's** weapon in yet another attempt to defeat her arrest.

At that point, Officer A stated that he was in fear for his life and for **Officer B's** life. Officer A drew his gun from his holster and stated to Subject 1, "Let it go or I am going to shoot you." Officer A waited about a second and observed that Subject 1 was still not complying. Officer A then discharged his firearm once striking Subject 1 in the right side of her body. All the witnesses provided consistent accounts of the incident stating that Subject 1 fled and resisted arrest. Therefore, based on the totality of the circumstances, Officer A was reasonably in fear of his life and fired at Subject 1 to prevent death or great bodily harm.