

Independent Police Review Authority
Log# 1033501/ U# 10-07

INVESTIGATION

NUMBER: Log# 1033501/ U# 10-07

INVOLVED

OFFICER#1: “Officer A” (Chicago Police Sergeant); Male/Hispanic; 43 years old; On-Duty; In Civilian Dress; Year of Appointment – 1995

OFFICER

INJURIES: None Reported

INVOLVED

OFFICER#1: “Officer B” (Chicago Police Officer); Male/White; 27 years old; On-Duty; In Civilian Dress; Year of Appointment – 2005

OFFICER

INJURIES: None Reported

INVOLVED

SUBJECT: “Subject 1”; Male/Black; 32 years old

INVOLVED

SUBJECT’S

INJURIES: Gunshot wound to the neck, non-fatal.

INITIAL

INCIDENT: Narcotics Surveillance.

DATE/TIME: 28 JAN 10, 2308 hours

LOCATION: 4540 S. Michigan Ave. – street
Beat 221

SUMMARY OF INCIDENT:

On 28 January 2010, at approximately 2308 hours, officers were conducting surveillance in the area of 3812 S. Michigan when they observed the subject, Subject 1, conduct a hand-to-hand transaction with an unknown male involving a gun and suspect narcotics. Officers used car-to-car transmissions to provide the make and model of the involved vehicle, and a description of the driver. Officer A and Officer B observed the vehicle in the area of 45th and Michigan at which time they activated the vehicle's emergency equipment and curbed the vehicle.

Once the vehicle stopped, Officer A and Officer B exited their vehicle with their weapons drawn. Officer A approached the vehicle on the driver's side and Officer B approached on the passenger's side. The officers announced their office and ordered Subject 1 to show his hands. Subject 1 made an overt movement toward his waistband and removed a weapon. Officer B yelled, "Gun!" Subject 1 raised the weapon in Officer A's direction. Officer A ordered Subject 1 to drop the weapon. Officer A and Officer B discharged their weapons. Subject 1 sustained a gunshot wound to the neck. Subject 1 was placed into custody and transported by a Chicago Fire Department (CFD) ambulance to John Stroger Hospital.

INVESTIGATION:

Officer A related to the **Roundtable Panel** that he and **Officer B** were in plainclothes with badges displayed and working as the enforcement officers on a surveillance team when they were provided with a description of **Subject 1** and his vehicle. **Officer A** and **Officer B** activated their emergency equipment and curbed the vehicle. **Officer A** exited his vehicle with his weapon drawn and approached the vehicle on the driver's side and announced his office. The driver's side window was rolled down. **Officer A** ordered **Subject 1** to show his hands. **Subject 1**'s hands went down and suddenly **Officer B** yelled, "Gun, gun!" **Subject 1** raised a black semi-automatic weapon in **Officer A**'s direction. **Officer A** discharged one round. **Subject 1**'s vehicle moved forward a couple of feet and **Officer A** yelled, "Show me your hands!" **Subject 1** yelled, "I can't raise my hands!" **Officer B** and **Officer C**, who arrived on scene, removed **Subject 1** from the vehicle and placed him into custody. Notifications were made and an ambulance was requested.

In an interview with IPRA on 27 May 2011, **Involved member Officer A** provided an account of the incident that was consistent with the information he related to the Roundtable Panel. Additionally, **Officer A** stated that he was working Beat 6711 on a surveillance team with **Officers B, C, D, E and F**. **Officer A**'s partner was **Officer B**; **Officer E** was working with **Officer F**; and **Officer C** was working with **Officer D**. **Officer C** was the surveillance officer and everyone else served as enforcement officers.

Officer A stated that **Officer C** informed him and the team, via car-to-car radio transmissions, that a subject had exited a building at 3812 S. Michigan and ran to a maroon Buick occupied by a lone black male, now known as **Subject 1**. **Officer C** related that the unknown black male handed **Subject 1** a pistol and a package, which **Officer C** believed to be a narcotics transaction. **Officer C** provided a description of **Subject 1** and his vehicle, and stated that the vehicle was headed southbound on Michigan.

Officer A stated that he and **Officer B** spotted the vehicle, and curbed it at 4540 S. Michigan. **Officer A** stated that he approached the vehicle from the driver's side with his hand on his gun, but it was not drawn. **Officer B** approached the passenger's side. **Subject 1** rolled down his window. **Officer A** repeatedly told **Subject 1** to show his hands but **Subject 1** stared ahead while licking his lips. **Subject 1**'s hands remained below window level.

Moments later, **Officer B** yelled "Gun, gun!"¹ **Officer A** drew his weapon. **Officer A** then observed **Subject 1** with a .40 caliber Glock raised and pointed in **Officer A**'s direction. **Officer A** yelled, "Drop the gun, drop the gun."² **Officer A** and **Officer B** each fired one shot from their weapons simultaneously. **Subject 1**'s car lurched forward and crashed. **Officer A** again ordered **Subject 1** to show his hands. **Subject 1** repeatedly stated that he could not move his arms. **Officer A** opened **Subject 1**'s car door and removed him from the vehicle. **Officers C, D, E and F** arrived on the scene at some

¹ Transcript of **Officer A**, Attachment #47, P. 13, line 1.

² *Id.* at P. 13, line 18.

point; however, Officer A was unaware exactly when they arrived because he was focused on Subject 1's actions. Officers C, D, E and F surrounded Subject 1's car and assisted Officer A in taking Subject 1 into custody.

The **Case Supplementary Report** documented that **Officer A** told the detectives essentially the same information as he provided in his statement to IPRA and at the Roundtable Panel. Additionally, Officer A stated that when he observed the vehicle matching the description provided by Officer C, he positioned his unmarked squad car left and to the rear of Subject 1's vehicle and initiated a traffic stop at 4540 S. Michigan. Officer A stated that Officer B approached the passenger's side of Subject 1's vehicle, and Officer A approached the driver's side. Officer A shouted, "Show me your hands! Show me your hands!" as he approached. Subject 1 did not comply.

Officer A stated that as he got closer to Subject 1's vehicle, Officer B yelled out, "Gun, gun, gun!" Officer A stated that he was standing in front of the driver's side door frame of Subject 1's vehicle when he observed Subject 1 remove a black steel semi-automatic pistol from his right coat pocket. Officer A stated that he and Officer B yelled, "Drop the gun! Drop the gun!" Subject 1 did not comply and raised the handgun with his right hand towards him.

Officer A stated that, in fear of his life, he fired one shot at Subject 1. Subject 1's vehicle lurched forward approximately twenty feet before striking a parked vehicle and becoming wedged. Officer A stated that he again approached Subject 1's vehicle and ordered him to show his hands. Subject 1 stated that he could not move his arms. Officer A stated that Subject 1 was then placed under arrest and medical assistance was summoned.

At the **Roundtable Panel**, **Officer B** provided an account that was consistent with the Summary of the Incident. Additionally, Officer B stated that he approached Subject 1's vehicle from the rear passenger side. Officer A yelled, "Show me your hands!" Subject 1 reached downward, and as he brought his hand upward Officer B saw a gun in his hand and yelled, "Gun, gun!" Subject 1 raised the weapon in the direction of Officer A and Officer B discharged his weapon. Subject 1's vehicle moved forward a couple of feet and Officer A ordered Subject 1 to show his hands. Subject 1 informed Officer A that he was unable to raise his hands. Officer C arrived on the scene and the officers removed Subject 1 from the vehicle and placed him into custody.

In an interview with IPRA on 27 May 2011, **Involved member Officer B** provided an account of the incident that was consistent with the information he gave to the Roundtable Panel. Officer B stated that he was working beat 6711H with Officer A when Officer C communicated via car-to-car transmissions³ that he observed a hand-to-hand transaction involving a handgun and a large amount of narcotics. Officer C provided a description of the subject and his vehicle and the direction the vehicle was traveling. Officer B and Officer A curbed the vehicle. Officers C and D pulled up

³ The car radios have a walkie talkie feature where officers can communicate with each other without broadcasting over the air. (P. 7, lines 11-18).

behind Officer B and Officer A. Officer C approached the vehicle behind Officer B; and Officer D approached the vehicle behind Officer A. Officers E and F had also arrived on the scene and parked their vehicle approximately twenty to twenty-five feet behind Subject 1's vehicle. They remained in their vehicle in case Subject 1 attempted to flee.

Officer B and Officer A announced their office as they approached Subject 1's vehicle. Subject 1 reached into his right coat pocket and Officer B yelled, "gun,"⁴ three times. Officer B and Officer A drew their weapons. Officer B told Subject 1 to drop the gun. Subject 1 turned and raised the gun toward Officer A, at which time Officer B discharged his weapon once. Officer A also discharged his weapon. Subject 1's vehicle rolled forward approximately twenty to twenty-five feet and wedged against a parked car. Officer B stated that he and Officer A approached the vehicle and told Subject 1 to show his hands. Subject 1 stated that he could not move his hands or arms. After observing that the gun was no longer in Subject 1's hands, Officer B and possibly Officers C and D removed Subject 1 from the vehicle; Officer B was not completely certain about which officers assisted him. The officers summoned medical attention once Subject 1 was secured.

The **Case Supplementary Report** documented that **Officer B** told the detectives essentially the same information as provided in his statement to IPRA and the Roundtable Panel. Additionally, Officer B stated that as he and Officer A approached Subject 1's vehicle, they gave him several commands to which he did not comply. Officer B stated that when he reached the rear side window, he observed Subject 1 reach for a handgun in his right coat pocket. Officer B yelled, "Gun, gun, gun!" Officer B stated that when Subject 1 raised the handgun toward Officer A, he heard other team members yell "Drop the gun," and realized that Officer D was behind Officer A and Officer C was behind him. Officer B stated that Subject 1 continued to raise his handgun. In fear of Officer A's life, Officer B fired a single shot at Subject 1.

Officer B stated that after he fired at Subject 1, Subject 1's vehicle moved forward approximately twenty feet before side-swiping a parked vehicle and stopping. Subject 1 was then placed under arrest and the crime scene secured.

CPD Detective 1, related to the **Roundtable Panel** that he responded to Stroger Hospital and interviewed Subject 1. Subject 1 stated that he was driving his vehicle when the police pulled him over and surrounded his vehicle. Subject 1 heard, "Bang bang" and felt a pain in his head. He was then dragged out of the vehicle.

The attending physicians informed CPD Detective 1 that Subject 1 sustained a through-and-through gunshot wound to the rear of the neck and severed the first vertebrae between the neck and head.

The **Case Supplementary Report** documented that detectives went to Stroger Hospital and interviewed Doctor A, who stated that Subject 1 had two through-and-through gunshot wounds to the back of the neck. A CT scan determined that Subject 1

⁴ Transcript of Officer B, Attachment #44, P. 11, lines 23-24.

sustained a cracked, broken vertebra at the top of the neck. Subject 1 was listed in serious but stable condition. Subject 1 told detectives that he was driving his brother's Buick when he was pulled over by the police and surrounded. Subject 1 stated that he heard, "bang, bang," and felt pain in his neck. Subject 1 stated that he was dragged out of the car and handcuffed. Subject 1 denied ever having a gun or drugs in his possession.

In an interview with IPRA on 21 December 2011, **Officer C** stated that on 28 January 2010 he was partnered with Officer D and working beat 6711F. They were assigned to Area One narcotic and gang suppression, and were on a surveillance team with Officer A and Officers B, E and F. Officer C stated that he was on foot surveillance when he observed Subject 1 sitting alone in a parked vehicle on the 3800 block of South Michigan. Officer C was less than fifty feet away and to the east of Subject 1's vehicle when he observed an unknown black male enter the front passenger seat of Subject 1's vehicle and hand Subject 1 a gun and a large amount of crack cocaine. Moments later the unknown black male exited Subject 1's vehicle and Subject 1 drove southbound on Michigan.

Officer C notified the other members of the surveillance team, via car-to-car radio, of the narcotics and gun transaction and provided a description of Subject 1's vehicle and the direction of flight. Officer D picked up Officer C and they drove southbound on Michigan. Officer C saw Subject 1's vehicle ahead of them, being followed by Officer A and Officer B, and Officers Hardy and Mariano, respectively.

Officer A and Officer B activated their vehicle's emergency equipment and curbed Subject 1's vehicle on the 4500 block of South Michigan. Officer D parked the squad car behind Subject 1's vehicle and he and Officer C exited the car. Officer C approached the passenger's side of Subject 1's vehicle behind Officer B, and Officer D approached the driver's side of the vehicle behind Officer A. Officer D stated that Officers E and F were also on the scene but he does not recall when they exited their vehicle.

As Officer A approached Subject 1's vehicle he yelled for Subject 1 to show his hands. Officer C could see through the rear window of the vehicle that Subject 1 was noncompliant as his hands were down. Seconds later Officer B yelled, "Gun, gun."⁵ Officer C could not see Subject 1's gun from his vantage point. A few seconds later, Officer B discharged his weapon. Officer C heard another shot that was fired by Officer A, but Officer C could not determine who fired first.

Subject 1's vehicle lunged forward and struck a parked car. Subject 1 said that he could not move. Officer C assisted the other officers in removing Subject 1 from the vehicle. Subject 1's gun was recovered from the front seat area of his vehicle. Narcotics were also recovered.

The **Case Supplementary Report** indicates that **Officer C** told the detectives essentially the same information as provided in his statement to IPRA. Additionally,

⁵ Transcript of Officer C, Attachment #59, P. 12, line 2.

Officer C stated that he observed the narcotics and handgun in the unknown black male's possession before he entered Subject 1's vehicle. Officer C added that once Subject 1 was placed under arrest, he searched Subject 1 and recovered crack cocaine from his jacket pocket, just prior to CFD paramedics transporting Subject 1 to the hospital.

In an interview with IPRA on 02 November 2011, **Officer D** stated that he and his partner, Officer C, assigned to beat 6711E, were part of a surveillance team with Officers B and E, and Officer A. Officer C was on foot surveillance and Officer D backed him up in a squad car. As Officer D waited in the squad car, Officer C related via car-to-car radio that he observed an individual tender a large package of narcotics and a handgun to a person in a vehicle, now known to have been Subject 1.

Officer C provided a description of Subject 1's vehicle and the direction of flight. Officer D picked up Officer C and drove southbound on Michigan toward 45th Street, where Officer A and Officer B curbed the vehicle. As Officer D drove up, he observed Officer A approach the driver's side of Subject 1's vehicle, and Officer B approached the passenger's side. Officer A yelled, "Show me your hands!"⁶ four times. Officer B and Officer A did not have their weapons drawn.

Officer D exited his vehicle and approached Subject 1's vehicle from the rear driver's side. Officer B yelled, "Gun! Gun! Gun! Gun!"⁷ As Officer D reached the rear bumper of the vehicle, he observed Subject 1 reach into his right jacket pocket, pull out a blue steel black handgun, and turn. Officer D then heard two gunshots. Officer A and Officer B each fired their guns once. Subject 1's vehicle then lunged forward and struck a parked car. Officer D, Officer A and Officer B approached Subject 1's vehicle and collectively commanded Subject 1 to show his hands. Subject 1 stated that he could not move his hands or arms. The officers then removed Subject 1 from the car and handcuffed him.

The **Case Supplementary Report** documented that **Officer D** told the detectives essentially the same information as provided in his statement to IPRA. Additionally, Officer D stated that Officer C recovered a quantity of narcotics from Subject 1's jacket.

In an interview with IPRA on 02 November 2011, **Officer E** stated that he and his partner, Officer F, were working on a surveillance team with Officer A and Officers B, C and D. Officers E and F received a radio transmission from Officer C, apprising them of a transaction involving a gun and a package. Upon receiving a description of Subject 1 and his vehicle from Officer C, Officers E and F drove their squad car southbound on Michigan to 45th street where Officer A and Officer B had curbed Subject 1's vehicle. Officer F parked the vehicle approximately twenty to thirty feet parallel to Subject 1's vehicle. Upon arrival, Officers E and F observed Officer A and Officer B approaching the driver's and passenger's side of Subject 1's vehicle, respectively. Officer E stated that he rolled down his window. He and Officer F stayed in their squad car until they received further direction.

⁶ Transcript of Officer D, Attachment #56, P. 9, lines 4-5.

⁷ *Id.* at lines 9-10.

As Officer E sat in the vehicle, he heard Officer A tell Subject 1 to roll down the window and show his hands. Seconds later, Officer E heard Officer B yell, “Gun—gun”⁸ Officer A then drew his weapon and ordered Subject 1 to show his hands. Moments later, Officer E heard two shots and observed a muzzle flash from both Officer A and Officer B’s guns. Subject 1’s vehicle accelerated twenty to thirty feet before crashing into two cars. At that time, Officers E and F exited their vehicles and protected the crime scene.

The **Case Supplementary Report** documented that **Officer E** told the detectives essentially the same information as provided in his statement to IPRA. Additionally, Officer E stated that his assignment was to act as an enforcement car. As the enforcement car, his responsibility was to be ready to pursue persons that flee on foot from a vehicle. Officer E also stated that he saw Officer A initiate the traffic stop.

In an interview with IPRA on 02 November 2011, **Officer F** stated that on the date of this incident, he was working beat 6711A and partnered with Officer E. He and Officer E were on a surveillance team that with Officer A and Officers C, D and B. Officers E and F were the enforcement officers, and their role was to stand by in the event that they needed to take any police action. Officer F was the driver.

Officer C notified the team via car-to-car radio that he observed a subject, now known as Subject 1, involved in a narcotics transaction where Subject 1 received a gun. Officers E and F proceeded to the location where other officers on the team curbed Subject 1’s vehicle. Officer F stated that he and Officer E arrived on the scene last-proceeded by Officer A and Officers C, D and B.

Officer F stated that he parked the squad car parallel and to the east of Subject 1’s vehicle, roughly thirty to fifty feet away. Officers E and F stayed inside their vehicle. Officer F observed Officer A and Officer B approach the driver and the passenger’s side of the vehicle, respectively, with Officers C and D behind either officer. Officer F was closer to the driver’s side of Subject 1’s vehicle and only had a view of Officer A.

As Officers E and F remained inside their vehicle, Officer F heard Officer B yell, “Gun! Gun! Gun!”⁹ Officer A then told Subject 1 to show his hands. Officer F then observed Officer A discharge his weapon once and also heard a second gunshot. Subject 1’s vehicle moved forward and struck a parked car. Officer F drove the squad car closer to Subject 1’s vehicle. Officer F stated that he and Officer E exited the vehicle after Subject 1 was removed from the vehicle and handcuffed.

The **Case Supplementary Report** documented that **Officer F** told the detectives essentially the same information as provided in his statement to IPRA.

⁸ *Id.* at P. 10, line 13.

⁹ Transcript of Officer F, Attachment #53, P. 10, lines 10-11, 13-14.

The **Arrest Report** documented that Subject 1 was arrested and charged with Unlawful Use of a Weapon, Possession of Cocaine, Aggravated Assault on an Officer, and Issuance of a Warrant. It is reported that during a surveillance, Officer C observed Subject 1, who was sitting in the driver's seat of a 1999 maroon/ burgundy Buick Century, receive a handgun and a large quantity of narcotics from an unknown male. The unknown male then exited the vehicle and Subject 1 drove off. Officer C contacted the enforcement officers and provided them with a description of Subject 1's vehicle and the direction of flight. The officers then curbed the vehicle and approached on foot.

The officers observed Subject 1 with a handgun in his hand. The officers ordered Subject 1 to drop his weapon, but he refused and instead raised his gun in the direction of Officer A. In fear of their lives, the officers discharged their weapons, striking Subject 1. A search subsequent to the arrest revealed one clear plastic baggy containing large chunks of suspect crack cocaine. The narcotics and the weapon, a 9mm Glock, were inventoried. The weapon had been reported stolen. Officers C and F were the arresting officers, with Officers B, D and E, and Officer A assisting.

The **Case Supplementary Report** documented that Subject 1 denied ever having a gun or drugs in his possession.

The **Tactical Response Report of Officer A** documented that Officer A discharged his firearm at Subject 1 after Subject 1 used force likely to cause death or great bodily harm. Officer A feared for his life when Subject 1 pointed a weapon at him.

The **Tactical Response Report of Officer B** documented that Officer B discharged his firearm at Subject 1 after Subject 1 used force likely to cause death or great bodily harm. Officer B's report further documented that Subject 1 pointed a semi-automatic handgun at his partner, placing Officer B in fear for his life.

The **Officer's Battery Reports of Officer A and Officer B** documented that Subject 1 held an officer at gunpoint. The officers did not sustain any injury.

The **CPD Event Query and Office of Emergency Management and Communications (OEMC) transmissions** documented that OEMC was notified at 2318 hours of the weapons discharge. There are no communications between the responding beats and dispatch prior to the shots fired notification.

The **CFD Ambulance Report** documented that on 28 January 2010 at 2311 hours, CFD personnel were dispatched to treat a gunshot victim who was shot by the police. Subject 1 was found face down and bleeding from the left side of his head. As Subject 1 was being moved, a plastic bag with a white substance in it was found next to him.

The **Evidence Technician photographs** depict what appears to be blood on the left side of Subject 1's face; a bloody bandage on the back of Subject 1's neck; Subject

1's vehicle; the shattered rear passenger window of Subject 1's vehicle; a black handgun inside Subject 1's vehicle; and various angles of the scene.

The **medical records** from Stroger Hospital documented that Subject 1 sustained a gunshot wound to both sides of his neck. It is reported that Subject 1 was shot after pulling a gun on the police. Subject 1 was diagnosed with two gunshot wounds to the neck and a spinous process fracture.

Department records and ISP reports documented that Officer A fired the bullet that struck Subject 1. Subject 1 sustained a gunshot wound to the neck that went through and through from left to right; Officer A fired from the driver's side of the vehicle. The fired bullet that was recovered from the front passenger door was fired from Officer A's weapon. The fired bullet that was recovered from the instrument panel of Subject 1's vehicle was fired from Officer B's weapon.

A **canvass** of the vicinity of the alleged incident produced no additional witnesses who observed the incident prior to the gunshots.

An **attempt to interview Subject 1** at Stroger Hospital met with negative results as Subject 1 was heavily sedated.

In a **subsequent attempt to interview Subject 1** at Stateville Correctional Center, Subject 1 declined to provide a statement.

In an interview with IPRA on 29 January 2010, Witness 1 stated that he was in his living room when he heard a loud crash. As Witness 1 walked toward his front window, he heard two or three gunshots. Witness 1 looked outside and observed three officers surrounding a vehicle. Two of the officers had their weapons pointed at the vehicle. A male was taken from the vehicle and placed on the street. Other squad cars arrived on the scene.

The **Case Supplementary Report** indicates that during a canvass, the detectives located a witness, Witness 2. Witness 2 told detectives that she was watching television when she saw blue lights and ran to the window to see what was happening. Witness 2 stated that she heard yelling, but could not make out what was being said. Witness 2 said that she saw two unmarked police vehicles- one in front of a maroon Buick, and one behind it. Witness 2 stated that she saw police officers at the window of the Buick, then saw the car move forward and heard a shot.

In a statement to IPRA on 29 January 2010, Witness 2 stated that she is an employee of _____ located at XXXX S. Michigan. At approximately 2330 hours, she was sitting in the front room of the _____ watching television when she observed blue lights illuminating through the blinds from the street. Witness 2 peeked through the blinds and observed an unmarked squad car behind a vehicle with a black male inside. Witness 2 also observed a second unmarked squad car in front of the vehicle. Witness 2 observed a white male standing in the street behind one of the squad

cars, and a second white male standing in the street in front of the vehicle occupied by the black male. Witness 2 heard yelling but could not make out what was said. The black male in the vehicle attempted to drive off. He moved a short distance, and Witness 2 heard one gunshot. Witness 2 did not see who fired the shot. Witness 2 stood up and saw four white males on the street. Witness 2 stated that she did not observe the black male exit the vehicle, nor did she observe the officers remove the black male from the vehicle.

A report from the ISPFSC dated 03 February 2011 documented that there were no latent impressions that were suitable for comparison on the gun recovered from Subject 1.

A report from the ISPFSC dated 07 February 2011 documented that there were no latent impressions that were suitable for comparison on the six plastic bags recovered from Subject 1.

A report from the ISPFSC dated 10 February 2010 documented that 16.6 grams of a rock-like substance recovered from Subject 1 tested positive for Cocaine.

A report from the ISPFSC dated 17 February 2010 documented that Officer A's 45 caliber Springfield Armory was test fired and found to be in firing condition. One fired casing and one fired bullet recovered were fired from Officer A's weapon.

The report further documented that Officer B's 45 caliber Springfield Armory was test fired and found to be in firing condition. One fired casing and one fired bullet recovered were fired from Officer B's weapon.

A report from the ISPFSC dated 24 March 2011 documented that the gun recovered from Subject 1 was test fired and found to be in firing condition.

A report from the ISPFSC dated 12 July 2011 documented that Subject 1's DNA profile cannot be excluded from having contributed to the major male DNA profile found on the gun recovered from Subject 1. Approximately 1 in 910,000 Black, 1 in 1.1 million White, or 1 in 1.7 million Hispanic unrelated individuals cannot be excluded from having contributed to this major DNA profile.

CONCLUSION AND FINDING:

This investigation found that Officer A and Officer B'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 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 and Officer B's actions were in accordance with the conditions of CPD's deadly force policy. Officer A and Officer B fired at Subject 1 after he disregarded the officers' verbal commands to show his hands, and instead raised a gun and pointed it in Officer A's direction, placing Officer A in imminent fear of great bodily harm or death.