

**INDEPENDENT POLICE REVIEW AUTHORITY  
LOG #1034797/U #10-10**

**INVESTIGATION**

**NUMBER:** LOG # 1034797/ U# 10-10

**OFFICER**

**INVOLVED #1:** “Officer A” (Chicago Police Officer); Male/White; 32 years old;  
On Duty; Uniform; Year of Appointment – 2002

**OFFICER’S**

**INJURIES:** None reported.

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

**SUBJECT’S**

**INJURIES:** Gunshot wounds to upper left chest, middle of back, and left pelvic area. Pronounced dead at 2229 hours by Doctor A at Christ Hospital.

**DATE/TIME:** 21 March 2010, approximately 2020 hours.

**LOCATION:** XXXX S. Lowe (inside apartment)  
Beat 723

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### **SUMMARY OF INCIDENT:**

On 21 March 2010, at approximately 2020 hours, Officer A responded to a call of “a man with a knife” at XXXX S. Lowe. Officer A approached and spoke to the security guard, Witness 2, who informed him that Victim 1 called to report a man with a knife. Officer A spoke to the lease-holder of the apartment, Victim 1, and she informed him that her ex-boyfriend, Subject 1, locked her out of her apartment and there were children still present in the home. Victim 1 stated that she had already obtained an order of protection against Subject 1, dated 10 February 2010. Officer A heard screaming from the apartment and requested a supervisor to come to the building. CPD Sergeant A arrived on scene a short time later.

Subject 1 was observed through the first floor window of the apartment waving a knife. CPD Sergeant A gave Officer B (who arrived on scene a few minutes after Officer A arrived), Officer C and Officer A permission to enter the first floor of the apartment. Officer B broke the window glass near the front door and the officers were able to gain entry to the first floor of the apartment, but by then Subject 1 had fled to the second floor of the apartment. Officer B and Officer A reached the top of the stairs and observed Subject 1 brandishing a knife. The officers asked Subject 1 to drop the weapon, but Subject 1 ran inside a bedroom and locked the door behind him. Officer B and Officer A gained entry to the bedroom and observed Subject 1, semi-seated near the bedroom window with Juvenile Victim 3 in his lap holding a knife to Juvenile Victim 3’s neck while holding the two other children underneath his right leg.

Officer A and Officer B asked Subject 1 to drop the weapon several times, and Subject 1 failed to comply. Officer A then discharged his weapon twice striking Subject 1. Officer B grabbed Juvenile Victim 3 from Subject 1’s lap and removed the children from the room. Subject 1 was pronounced dead at Christ Hospital at 2229 hours.

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In a statement to IPRA on 22 March 2010 **Witness 1** provided an account of the incident which was related to him by his son (Witness 1's Son). While inside his apartment, Witness 1's son, (Witness 1's Son), told him that he heard yelling. (Witness 1's Son) went outside the apartment and observed several uniformed officers trying to tell a black male (now known as Subject 1) to let the children go. (Witness 1's Son) stated that Subject 1 refused to release the children and told the officers to "suck his dick" and that if they tried to enter into the apartment, he (Subject 1) would hurt the children. (Witness 1's Son) stated he then saw Subject 1 grab Juvenile Victim 3, and hang him outside of the second floor window of the apartment. (Witness 1's Son) also observed the uniformed officers and a female supervisor tell Subject 1 to let the children go once more, but Subject 1 went inside the home and came back to the window with a kitchen knife.

During this time, (Witness 1's Son) stated that one of the male uniformed officers (Officer B) broke the first floor window. (Witness 1's Son) related that Subject 1 stated that if the officers came into the apartment he was "going to hurt the children". At this time, (Witness 1's Son) observed at least five officers enter the apartment. (Witness 1's Son) then returned to his apartment because he was afraid the children would be hurt and he did not want to witness that.

(Witness 1's Son) then heard at least two pops, which he thought sounded like gun fire, and then observed Juvenile Victim 3 and two other children come out of the apartment. (Witness 1's Son) later learned that a police officer shot Subject 1. He also stated that he did not personally know Subject 1 him, but had seen him in Victim 1's apartment.

In a statement to the IPRA on 21 March 2010, **juvenile Victim 2** (7 YOA) related that on 21 March 2010 at 2030 hours he was in the apartment of XXXX S. Lowe when Subject 1 "busted glass." Juvenile Victim 2 stated that he went upstairs and began to watch television. Juvenile Victim 2 stated that Subject 1 used the back of the knife to strike Juvenile Victim 3 on the back of his head. Subject 1 then hung Juvenile Victim 3 outside of the window and began cursing, saying that he "was not going to let anyone in" as he held the knife to Juvenile Victim 3. Juvenile Victim 2 added that Subject 1 used the "f-word", the "b-word", and "all kinds of other words".

Juvenile Victim 2 stated that before Subject 1 was shot, he held Juvenile Victim 3 by the neck and also kicked him. Juvenile Victim 2 stated that Officer B and Officer A were three steps back from Subject 1 and he did not see him move towards the officers with the knife. Juvenile Victim 2 stated that Subject 1 did have the knife in his hand when the officers shot Subject 1 in the head. Juvenile Victim 2 stated that there were no other adults in the apartment at the time other than Subject 1, Officer B, and Officer A.

In a statement to IPRA on 22 March 2010, **Victim 1** related that on 21 March 2010 at 1900-2000 hours, she was watching her children play outside in front of her apartment at door XXXX S. Lowe. Subject 1, her ex-boyfriend, walked up to Victim 1's

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apartment door, grabbed her and struggled with her. Victim 1 stated that Subject 1's breath indicated he had been drinking and that she currently had a order of protection against Subject 1, which prevented him from threatening her or coming around while he was drunk or high.

Victim 1 stated that during the struggle, she tried to get away from Subject 1 and in doing so, Subject 1 injured Victim 1's ankle and scratched an area below her left ear. Subject 1 then pushed Victim 1 out of the apartment, closed the front door, and put something behind the door, locking her out. Victim 1 stated that Subject 1 threatened to kill her, Juvenile Victim 3, Juvenile Victim 4 and Juvenile Victim 2 (children of her cousin (Victim 1's Cousin) whom she was babysitting for at the time).

Victim 1 called the police and informed them that Subject 1 said he was going to cut himself, cut the children, and that he was going to kill her. Victim 1 stated that when the officers arrived, they asked if Subject 1 was drunk, on medication, or if he had a weapon? Victim 1 told the officers that Subject 1 had a knife and she saw him standing at the window peeking through a shade from the first floor of her apartment.

Victim 1 then stated that she heard Subject 1 say that "they" won't come in and "fuck them", referring to the police. Victim 1 added that at some point Subject 1 went to the second floor of the apartment and opened a window in her son, Juvenile Victim 3's room. Victim 1 then observed Subject 1 grab Juvenile Victim 3, state that he was going to kill him, and then stick Juvenile Victim 3's head out the window as Juvenile Victim 3 was crying.

Victim 1 related that the officers gained entry to her apartment by breaking a window. She repeatedly heard officer's state to Subject 1 to "Put it down. Put it down. Let the kids go." Victim 1 saw Subject 1 holding the knife and she observed the officers on the second floor, of the apartment, in a bedroom, while standing outside on the sidewalk. Victim 1 then heard two or three shots fired and after the shots, the children came downstairs. Victim 1 then heard someone tell Subject 1 to stop moving. Victim 1 stated that Subject 1 was still moving when he was removed from the apartment and placed into an ambulance.

After the incident, Victim 1 stated that Juvenile Victim 3 told her Subject 1 was holding him by the neck in a choke-hold while holding the knife. Juvenile Victim 3 also stated that Subject 1 hit him on the back of the head with the handle of the knife, and punched him on his right side. Victim 1 stated that Juvenile Victim 3 had cuts on his face and he was treated at St. Bernard hospital then released.

In a statement to IPRA on 26 March 2010, the **Witness 2**, related that on 21 March 2010, at approximately 2015 hours, he saw a squad car arrive in front of XXXX S. Lowe where he was working as a security officer with a partner. Witness 2 stated that he walked outside and asked the officers if they were responding to a call made about a domestic disturbance. The officers replied yes, and informed Witness 2 that they were told a boyfriend possibly had a knife and had locked his girlfriend outside. Witness 2

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then escorted the two officers (now known as Officer B and Officer A) north toward the townhouses that occupy the apartment building. Witness 2 then observed Victim 1 leaning over a concrete wall crying. Witness 2 approached Victim 1 and asked if she called the police and she replied yes and stated that her boyfriend had locked her out of the apartment, had a knife, and three of her children inside the apartment.

Witness 2 stated that he then observed a unknown male, now known as Subject 1, come to a window near the door. Witness 2 then asked Subject 1 to open the door, but Subject 1 shook his head “no”. Witness 2 and the officers then continued to bang on the front door and Subject 1 came to the window holding a knife in his hand. Subject 1 then began shaking the knife in his hand and the officers asked Subject 1 to open the door, but he never returned to the front door or window. Uniformed officers then busted through the first floor window and gained entry to the first floor door. Subject 1 then appeared at a second-floor bedroom window above the front door area. Subject 1 opened the bedroom window and stated that he was not going to let the police in and that the police could “fuck off”. The officers then asked Subject 1 if he would let the kids go, but Subject 1 told the officers that if they came inside the apartment, he would kill the kids.

Subject 1 then stuck Juvenile Victim 3 outside an upstairs bedroom window and stated that he would kill Juvenile Victim 3 if the officers came inside the apartment. Then Witness 2 observed officers rush upstairs. Witness 2 stated that he remained outside on the ground floor and looked up through a window of the upstairs bedroom. Witness 2 observed Subject 1 holding Juvenile Victim 3 with his left hand while holding the knife in his right near the neck of Juvenile Victim 3.

Witness 2 he heard officers order Subject 1 to put Juvenile Victim 3 down, but Subject 1 refused. Witness 2 did not hear a response from Subject 1 when the officers told him to drop the knife and to let the child go. Witness 2 then heard two shots, but he did not see any officer fire his weapon. Witness 2 then added that the security cameras for the property should have been able to record Subject 1 hanging Juvenile Victim 3 out the window, but Witness 2 did not review the camera recording.

A **canvass** of the area was conducted on 23 March 2010. Witness 1 was interviewed. No other witnesses were identified as a result of the canvass.

**The General Offense Case Report (GOCR) and Detective Supplementary Report- HS-219217**, were generated for Aggravated Assault with a knife or cutting instrument. The reports indicate there were three children identified as victims; Juvenile Victim 4, Juvenile Victim 2, and Juvenile Victim 3 inside the apartment at XXXX S. Lowe Avenue. Subject 1 is listed as the offender and expired at Christ Advocate Hospital as a result of his injuries. Subject 1 was pronounced by Doctor A at 2229 hours at Christ Hospital. The reports do not contain narratives; however, they reference **GOCR HS219536**.

**GOCR HS219536 and Supplementary Case Report HS 219536** was generated for Justifiable Homicide. The narrative details that the suspect, Subject 1, was shot by

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police and later expired from those injuries. The report also list the following morgue information; ME 315 Mar10, On 22 Mar 10, Doctor B performed an autopsy on the remains of Subject 1 and determined the cause and manner of death to be MGSW/Homicide. The reports identify all involved officers and witnesses as well as evidence recovered from the scene.

The narrative further relates the same information provided in the Summary of Incident. Additionally it states that surveillance video was inventoried from the property and that the LEICA team from forensic services documented the scene via photographs and digital imaging.

**The Chicago Fire Department (CFD) Ambulance Report** indicates that Victim 1 was involved in an altercation and she sustained injury to her ankle. Victim 1 had no other signs of injury and was transported to St. Bernard Hospital's emergency room. A separate report stated that Juvenile Victim 3 had a small bump on the top of his head and had no obvious bruising or deformity to his abdominal area. Victim 1 and Juvenile Victim 3 were transported to St. Bernard Hospital via ambulance.

**A Tactical Response Report (TRR)** completed by Officer A indicates that Subject 1 "did not follow verbal direction, fled, posed an imminent threat of battery, attacked with weapon, used force likely to cause death or great bodily harm, and was armed with a weapon." Officer A responded with verbal commands and ultimately deadly force.

**The Office of Emergency Management and Communications (OEMC) Event Query** was transcribed and details Victim 1 calling 911, stating that she was having an altercation with Subject 1, he had a knife, and he was holding the children hostage. No other transmissions are pertinent prior to officers making notifications.

**The Medical Examiner's Report** indicates that Subject 1 was autopsied on 22 March 2010 at 0850 hours by Doctor B. Doctor B indicates that Subject 1 expired from a gun shot wound which entered his left anterior upper arm close range and exited the chest posteriorly on the left side. Subject 1's manner of death was homicide. The toxicological analysis portion indicates that Subject 1 tested positive for Ethanol in the vitreous humor (131 mg/dl) and Ethanol in the central blood (87 mg/dl).

**The Illinois State Police Division of Forensic Services (ISP)** report dated 23 April 2010 indicates that there was the presence of blood on the knife that was recovered from the crime scene. That blood matched that of Subject 1, the deceased. No human DNA profile was identified while examining the knife handle.

**Evidence Technicians Photographed** the exterior of the crime scene at XXXX S. Lowe, also called "Eastwood Gardens." The first floor of the apartment shows a mattress in front of the first floor window near the door, broken glass and a window shade lying on the ground outside of the home. The door has been forced open. There are droplets of blood on the first floor the apartment, on the wall near the kitchen, and on the

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wall leading to the second floor of the home. Inside the second floor bedroom, the window is open wide; there are droplets of blood on the floor and a large amount of blood near the window. One shell casing can be seen on the floor near a mattress and another shell casing in an overturned, small toy truck. There is also an additional shell casing at the bottom of a red toy bin. A kitchen knife is on the floor near toys. There appears to be blood on the door knob of the bedroom door.

Evidence photographs were taken of the deceased, Subject 1, who appears on a hospital gurney with tubes in his right arm and mouth. Photographs also depict stitches on Subject 1's left side of his chest and on his left underarm. Subject 1 has a laceration to his left index and middle fingers. Subject 1 has multiple tattoos which are photographed as well.

Morgue Photos were also taken of Subject 1 after he arrived at the Medical Examiner's Office. The photos depict a bullet inside his left buttock, a wound in the left underarm area, redness and a wound on the left side in the groin area, and a wound in the center of his back.

In a statement to IPRA on 21 October 2012, **Officer A related the following:** On 21 March 2010 he and his partner Officer D responded to a call of a person with a knife at XXXX S. Lowe. As Officer A arrived, he heard over the radio that children were involved and the offender, Subject 1, was cutting on himself. Officer A and his partner were the first units to arrive on scene. Upon arrival the security guard, Witness 2, who also called the police took Officer A and Officer D to where he heard shouting and to where Victim 1 was. Officer A spoke with Victim 1, and she told him that Subject 1 locked her out of the apartment, was tearing things up in the apartment, that there were children inside the apartment, and Subject 1 had a knife.

Officer A asked Subject 1 to open the door several times, but Subject 1 yelled something that Officer A doesn't remember exactly, walked away from the window, and closed the shades. Officer A could hear screaming and objects being broken coming from inside the home while he was outside. Officer A called his supervisor, CPD Sergeant A, and informed her of the situation. Officer A and other officers were repeatedly telling Subject 1 to open the door as they knocked on the door and the window. Officer A then observed Subject 1 at the second floor of the apartment, dangling one of the children, now known as Juvenile Victim 3, from the second floor window. Subject 1 held Juvenile Victim 3 out of the window by one of his arms. CPD Sergeant A told Subject 1 to let the children go as Subject 1 yelled obscenities out of the window and spit out of the window.

Officer A further related that the officers feared for Juvenile Victim 3's life, and CPD Sergeant A made the decision to enter the home. Officer B then broke the first floor window because something (a box spring) was blocking the door. Officer A was then able to push the box spring out of the way and officers entered through the first floor door. Officer A entered the apartment, drew his weapon, and went upstairs to the second floor of the apartment where he met Subject 1 at the top of the stairs. Subject 1 was in the hallway with a knife in his hand. Officer A did not see the children, and he told Subject 1

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several times to drop the knife. Subject 1 stated to Officer A “you’ll see, you’re not getting in,” while running into a bedroom and locking the door behind him.

Officer A heard screaming from a child or children behind the door and feared for the life of the children, so he kicked the bedroom door in. Officer A entered the room with Officer B and Officer C following. Subject 1 was seated with one child on his lap and his legs on top of the other children, saying “I’ll show you, you’ll see. Look what I’m gonna do.” Subject 1 had a knife pointed at the child’s neck who was held in his lap.

Officer A asked Subject 1 to drop the knife and Subject 1 did not comply. Officer A gave Subject 1 repeated verbal commands and began moving in closer to Subject 1 until Officer A was approximately five feet or less away from Subject 1 when he heard him say “You’ll see” and pointed the knife at Juvenile Victim 3’s neck area and made contact with Juvenile Victim 3’s skin. Officer A then discharged his weapon twice.

In a statement to IPRA 28 February 2010, **Officer B** stated that when he and his partner, Officer E, arrived at XXXX S. Lowe, they noticed that they were not the only officers on scene. As Officer B’s squad car pulled up, CPD Sergeant A was pulling up to the residence simultaneously. Officer A and Officer D were also on scene. Officer B stated that upon their arrival, he noticed a distraught female who was speaking to a security guard at the building, and he observed Officer A with Officer D trying to gain access to the building. Officer A related to the officers that the female, Victim 1, stated that she had been battered by Subject 1, and he forced her out of her residence threatening to do harm to the children inside. Officer B did not notice any obvious physical injuries to Victim 1 at that time.

As Officer B was attempting to gain access to the apartment with Officer A, he looked through the first floor window and noticed that there was an object placed between the door and a wall of the apartment that was prohibiting officers from gaining access to the residence. Victim 1 told Officer B that Subject 1 had mental problems and that she was worried about her kids. CPD Sergeant A was trying to deescalate the situation by talking to Subject 1 several times through the window asking him to let the children go, but Subject 1 was not complying.

Officer B stated that during the conversation with CPD Sergeant A, Subject 1 grabbed Juvenile Victim 3 and “hung him out of the window while holding a knife to him.” At that point, Officer B broke the window on the first floor and moved the mattress from in front of the doorway. Officer B stated that as he, Officer A, and Officer C approached the stairwell, Subject 1 was standing at the top of the landing brandishing a knife. Officer B gave Subject 1 verbal commands to drop the knife and come down with his hands up, but Subject 1 fled back down the hallway and into a bedroom on the second floor. Officer E and Officer D were downstairs, along with other officers, securing the first floor to make sure there were not any other offenders.

Officer B communicated with Officer A and stated that he would kick the door of the bedroom open and Officer A would be the first one to enter. Officer B kicked in the



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door and upon entering, he observed Subject 1 take a defensive posture while sitting down with Juvenile Victim 3 in his lap and the other children to Subject 1's right. Subject 1 was restricting the children's movements with his right leg extended over their bodies. Officer B stated that he and Officer A told Subject 1 several times to drop the knife and let the kids go, but Subject 1 did not comply. Officer B and Officer A approached Subject 1 with their weapons drawn and Subject 1 raised the knife to Juvenile Victim 3's neck area. Officer A and Officer B continued to advance forward. Officer B grabbed Juvenile Victim 3, and Officer A discharged his weapon two times. After Subject 1 was shot, Officer B stated that Subject 1 proceeded to fall over on his right side and lay on his stomach.

Officer B kicked the knife a few feet away from Subject 1 and handcuffed Subject 1 while he was leaning over to the side. Officer B stated that notifications were then made and a request for EMS was made. The children were removed from the building and Officer A left the room, while Officer B stayed with Subject 1 to make sure the crime scene was secure. Detectives arrived and took an initial statement from Officer B and he was released from the crime scene.

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### **FINDINGS:**

The 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 No. 02-08-3, 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 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.

The officer's actions were in accordance with the requirements spelled out above by A (1), A (2a), and (2c). By all accounts Subject 1 held a knife to Juvenile Victim 3's neck while Officer A and Officer B asked Subject 1 to put down his weapon. When Subject 1 refused, Officer A discharged his weapon. Officer A was acting under the reasonable belief that Juvenile Victim 3's life was in imminent danger and thus was justified in using deadly force to "prevent death or great bodily harm to the sworn member or to another person."