

INVESTIGATION

NUMBER: LOG # 1035127/ U#10-16

OFFICER #1

INVOLVED: “Officer A” (Chicago Police Officer); Male/Black; 36 years old;
On Duty; In Uniform; Year of Appointment – 1999

OFFICER #1

INJURIES: None reported.

OFFICER #2

INVOLVED: “Officer B” (Chicago Police Officer); Male/Black; 39 years old;
On Duty; Civilian Dress; Year of Appointment – 2003

OFFICER #2

INJURIES: None reported.

OFFICER #3

INVOLVED: “Officer C” (Chicago Police Officer); Male/Black; 39 years old;
On Duty; Civilian Dress; Year of Appointment – 2003
*** NO LONGER A DEPARTMENT MEMBER**

OFFICER #3

INJURIES: None reported.

OFFICER #4

INVOLVED: “Officer D” (Chicago Police Officer); Male/Black; 29 years old;
On Duty; Civilian Dress; Year of Appointment – 2006

OFFICER #4

INJURIES: None reported.

SUBJECT: “Subject 1”; Male/Black; 50 years old

SUBJECT’S

INJURIES: Multiple gunshot wounds; fatal.

INITIAL

INCIDENT: Shots Fired.

**DATE/TIME/
LOCATION OF
INCIDENT:**

03 April 2010/1115/213 East 114th Place.

SUMMARY OF INCIDENT:

On Saturday, 03 April 2010, officers responded to a call of an individual with a gun and shots fired. Amongst the 005th District personnel who responded was the District Field Lieutenant, CPD Lieutenant A. Upon arriving at the scene, the officers observed the subject, now known as Subject 1, standing in the doorway of the Roseland Medical Center. Subject 1 was holding a shotgun. The officers repeatedly ordered Subject 1 to drop the weapon. Officer A approached Subject 1 in an attempt to disarm him, but Subject 1 pointed his weapon in the direction of the officers. Officers A, B, C, and D fired their weapons striking Subject 1. The officers requested medical attention for Subject 1, recovered his weapon, and made the required notifications. Subject 1 subsequently died of his wounds.

INVESTIGATION:

During a Round Table conducted subsequent to the shooting, civilian witness **Witness 1** who resided at 11444 South Indiana Avenue (200E), stated that he was sitting in his living room when he heard gunshots coming from outside. He looked outside and saw Subject 1 “wielding a shotgun as if he was drunk.” Witness 1 stated that it appeared to him that Subject 1 had the barrel of the weapon¹ against his chin. Witness 1 called 911 and numerous officers arrived quickly. Witness 1 heard the officers repeatedly tell Subject 1 to put down his weapon. Subject 1 paced back and forth as the officers attempted to talk to him and did not seem to respond verbally. Subject 1 appeared to be ready to hand the weapon to one of the officers who reached out to take it. However, Subject 1 suddenly turned the weapon, pointing it at the officers while he started to run in the direction of a parked vehicle. When he pointed the weapon at the officers, the officers fired their weapons at Subject 1.

During the Round Table, CPD Detective 1 related that she interviewed **civilian Witness 2**, who resided at 11445 South Indiana Avenue, at Witness 2’s residence. Witness 2 stated that she was inside her residence when she heard gunshots. She looked out of her dining room window and saw Subject 1 standing in a doorway, holding a shotgun. Witness 2 saw Subject 1 raise the shotgun so she told her husband to call 911. She heard three more gunshots, and then saw police officers arrive and walk toward Subject 1, yelling, “Police! Put the gun down! Get down!” Subject 1 ignored the officers’ commands and pointed his weapon at the officers who then fired their weapons at him.

During the Round Table, **CPD Lieutenant A**, Unit 005, stated that he responded to a call of “Shots Fired – Man with a Gun.” As he drove up to the scene, CPD Lieutenant A saw Subject 1 sitting in the doorway of the Roseland Medical Center with a rifle or shotgun in his hand. CPD Lieutenant A alerted the other responding officers to the weapon while still in his vehicle. CPD Lieutenant A exited his vehicle and approached Subject 1 from behind. Subject 1 stood in the doorway of the medical center with the barrel of the shotgun at his neck. CPD Lieutenant A and the other officers told Subject 1 to drop the weapon, and Officer A went to grab the weapon from Subject 1. Subject 1 pulled away and pointed the weapon at CPD Lieutenant A. Other officers fired their weapons at Subject 1; CPD Lieutenant A did not discharge his weapon because another officer was in his line of fire.

During the Round Table, **Officer A**, Unit 005, stated that he was working Beat 584, in uniform. He responded to a call of Shots Fired in the area of 114th and Indiana. En route, the call was upgraded to Man with a Gun. Upon his arrival, Officer A (with his weapon drawn) approached Subject 1 and ordered him to drop the weapon he was holding. Officer A reholstered his weapon and advanced toward Subject 1 to get close enough to get Subject 1’s weapon. Subject 1 turned away and leveled his weapon at Officer A. Fearing for his life, Officer A backpedaled and drew his weapon. He fired at Subject 1 two times.

¹ Later identified as a Westernfield, Model M550CD .20 gauge pump action shotgun, Serial #G242246. The weapon was recovered with a live round in the chamber.

During the Round Table, **Officer B, Unit 005**, stated he was working Beat 506H, in civilian dress. Officer B indicated that he responded to a call of a man shooting a rifle. As he approached the scene, he saw Subject 1 and Officer A. Officer B ordered Subject 1 to drop a weapon he was holding and initially it appeared that Subject 1 was going to hand the weapon to Officer A. Subject 1 then swung the weapon toward the officers. Officer B fired his weapon four times at Subject 1.

During the Round Table, **Officer C, Unit 005**, stated that he was working Beat 563B in civilian dress. Officer C related that he responded to a call of a “Person with a Gun” and, by the time he arrived, the call had been upgraded to “Shots Fired.” Upon his arrival, Officer C saw an officer attempting to disarm Subject 1 who, instead, swung around and pointed his weapon at CPD Lieutenant A. Fearing for the lieutenant’s life, Officer C fired his weapon twice at Subject 1.

During the Round Table, **Officer D, Unit 005**, stated that he was working Beat 563B in civilian dress. He responded to a call of a “Man with a Gun” and, as he was enroute, the call was upgraded to Shots Fired. When he arrived, Officer D worked his way, on foot, into a position from where he could see Subject 1 who was in the doorway of the Roseland Medical Center. Officer D moved closer to other officers. He saw that Subject 1 was holding a shotgun with the barrel pointed to his chin. Officer A went behind Subject 1 and attempted to grab the weapon, but Subject 1 turned away and pointed it at CPD Lieutenant A. Officer D fired his weapon five times at Subject 1 from a distance of approximately 5-10 feet.

During the Round Table, **CPD Detective 2**, stated that a black male who identified himself as [Subject 1’s Son]² approached him at the scene. [Subject 1’s Son] told CPD Detective 2 that he had last seen his father at approximately 0830 that morning. He also indicated that Subject 1 had been diagnosed with schizophrenia and was being treated at the Roseland Medical Center. According to [Subject 1’s Son], his father’s medication had been changed recently and he was experiencing difficulties with the change. CPD Detective 2 also informed the Round Table attendees that Subject 1 had been taken to Christ Hospital, where he was pronounced dead at 1215 hours. Additionally, CPD Detective 2 reported that a suicide note had been found on Subject 1. CPD Detective 2 did not have a copy of the note at the time he reported that information and did not know the contents.

Officer A’s **Tactical Response Report** indicates that he fired his weapon two times at Subject 1 after he pointed a loaded shotgun at the officers.

Officer B’s **Tactical Response Report** indicates that he fired his weapon four times at Subject 1 after he pointed a loaded shotgun in the officers’ direction.

Officer B’s **Officer’s Battery Report** indicates that the incident occurred during daylight. The weather conditions were rainy with an approximate outdoor temperature of 52 degrees Fahrenheit.

² Subject 1’s son.

Officer C's **Tactical Response Report** indicates that he fired his weapon two times at Subject 1 after he pointed a loaded shotgun at the officers.

Officer C's **Officer's Battery Report** indicates that the incident occurred during daylight. The weather conditions were rainy with an approximate outdoor temperature of 52 degrees Fahrenheit.

Officer D's **Tactical Response Report** indicates that he fired his weapon four times at Subject 1 after he pointed a loaded shotgun at the officers.

Officer D's **Officer's Battery Report** indicates that the incident occurred during daylight. The weather conditions were rainy with an approximate outdoor temperature of 52 degrees Fahrenheit.

Tactical Response Reports completed by CPD Lieutenant A, Officer E, and Officer F indicate that they were placed in fear for their lives when Subject 1 pointed a loaded shotgun at them and refused to cease. The above individuals did not discharge their weapons.

Officer's Battery Reports completed by CPD Lieutenant A, Officer E, and Officer F indicate that the incident occurred during daylight. The weather conditions were rainy with an approximate outdoor temperature of 55 degrees Fahrenheit.

The **related police reports**, including the Original Case Incident Report, Case Supplementary Reports, and Crime Scene Processing report relate an account of the incident that is consistent with the Summary of Incident above. A Risperidone³ prescription, and an empty Risperidone bottle were recovered from Subject 1 at Christ Hospital.

Independent Police Review Authority (IPRA) Investigator A **responded to advocate Christ Medical Center** and was informed that Subject 1 had been pronounced dead on arrival by the attending physician, Doctor A. Detectives informed IPRA Investigator A that Subject 1 has sustained eight gunshot wounds; one to the right chest, one to the right calf, one to the back of the right thigh, one to the left rear of the head, one to the left hip, one to the mid-upper back, and two to the right lateral thigh. The detectives did not know whether any of the wounds were through-and- through.

IPRA Investigator B attended the **autopsy of Subject 1** that was conducted on 04 April 2010. The Medical Examiner's (ME) Case Number is 045 April 2010, and the postmortem examination was conducted by Assistant Medical Examiner Doctor B. Doctor B stated that there were a total of five gunshot wounds, and she recovered one intact bullet from Subject 1's brain. She also recovered one metal fragment from each of the following areas: left lower thigh, right inner thigh, right hip, and right outer thigh. Doctor B indicated that the cause of death was multiple gunshot wounds and the manner, homicide. Amongst Subject 1's clothing was a pair of denim jeans with duct tape on the right cuff. There were also two strips of duct tape, approximately 4-6 inches long.

³ An antipsychotic medication.

Attempts to locate additional witnesses were made. A canvass was conducted and IPRA Investigator C, spoke with Witness 3, who related that he had seen Subject 1 firing what appeared to be a shotgun. Witness 3 did not witness the police arrive or Subject 1 being shot by the police. In interviews with detectives, Witness 2, Witness 4, Witness 5, and Witness 6 all related basically the same account of the incident. They heard gunshots and looked outside to see Subject 1 with the shotgun. Subject 1 was acting erratically and pointed the weapon at police; the officers then fired at Subject 1. In an interview with detectives, Witness 1 related basically the same account of the incident as that in his interview with IPRA. In an interview with detectives, Witness 7 indicated that he heard 6-8 gunshots then looked out his kitchen window and saw Subject 1, who was wobbling around and saying, "If they are going to get me they are going to get me." Witness 7 then saw officers shoot at Subject 1. In an interview with detectives, Subject 1's son⁴ related basically the same information as was attributed to him during the Round Table. Subject 1's son informed detectives that the shotgun belonged to the family and had been hidden from Subject 1 in a blanket. He also identified a grey Volkswagen Passat parked at the scene as his father's vehicle.

Crime Scene Processing Reports indicate that a Westernfield Model M55OCD .20 gauge shotgun, serial number G242246⁵ was recovered in the middle of the street at 213 East 114th Place. It was inventoried under #11976794. That weapon was recovered with a live round in the chamber. Officer A's weapon, a Smith & Wesson Model 5943 nine millimeter semi-automatic pistol, serial number KJF5836, was inventoried under #11976745. Officer B' weapon, a Smith & Wesson Model 5943TSW nine millimeter semi-automatic pistol, serial number VJL2383, was inventoried under #11976728. Officer C' weapon, a Smith & Wesson Model M&P .45 caliber semi-automatic pistol, serial number MRD3995, was inventoried under #11976737. Officer D's weapon, a Sig Sauer Model P239 nine millimeter semi-automatic pistol, serial number SBU000514, was inventoried under #11676713. Fired evidence was recovered from the scene at 213 East 114th Place. Metal fragments and a shotgun shell, all from Subject 1's clothes, were recovered at Christ Hospital. Swabs were taken of the recovered shotgun and a shotgun shell, the officers' weapons, and the curb at the scene. A Gunshot Resident Kit (GSR) was administered to Subject 1's hands at Christ Hospital. A sealed ME blood card, sealed ME bullet envelope, brown paper bag containing strips of silver duct tape and various items of clothing (including a blood stained white 'T' shirt were received from the ME's Office. A multi-colored, flowered blanket was recovered from the passenger seat of a grey Volkswagen Passat⁶.

Mobile Crime Lab Photographs and Crime Scene video depict the location of incident, a damaged garage door, the note that was found on Subject 1, the Volkswagen Passat, recovered evidence (including the shotgun), and the body of Subject 1 showing some of his wounds at Christ Hospital. Photographs of the vehicle show the blanket on the passenger seat.

⁴ Identified in a Case Supplementary Report as [Subject 1's Son].

⁵ The weapon that the officers reported was used by Subject 1.

⁶ Bearing an Illinois license plate of H41 3858

The **Report of Postmortem Examination** of Subject 1 indicates that the examination was conducted by Assistant ME Doctor B. on 04 April 2010. The ME's Case Number is 045 April 2010. According to the external description, there were striae⁷ on Subject 1's lower back and buttocks. Under Evidence of Injury, reference is made to a number of gunshot wounds; on the back of the head, the right side of the back with a corresponding exit wound on the right side of the chest, the left lateral hip, the right lateral thigh with a corresponding exit wound on the right posterior thigh, the right posterior leg, with a corresponding exit wound on the right anterior lower leg. Portions of a copper jacketed bullet were recovered from the head wound. The wound course of the left lateral hip terminated in the right hip from where a deformed medium caliber bullet was recovered. Fragments were recovered from other wounds. None of the wounds of entrance showed evidence of close range firing. There was a curved laceration on the palm of Subject 1's right hand and various abrasions to his arms and elbows. Doctor B determined that Subject 1 died of a result of multiple gunshot wounds. The manner of death is indicated as homicide. The results of the toxicological analyses for Subject 1 were negative for benzoylecgonine (cocaine), ethanol (alcohol), and opiates. The presence of hydroxrisperidone, a metabolite of Risperidone, was determined.

ME photographs depict Subject 1's body, wounds, clothing, and duct tape.

In a statement given at Area 2 Detective Division Headquarters, **Witness 1** related basically the same account of the incident as he did during the Round Table.

A report from the **Illinois State Police Forensic Science Center (ISPFSC)** indicates that the recovered shotgun and officers' weapons were all in firing condition and were test fired. All of the recovered fired shotgun shells were determined to have been fired from Subject 1's weapon.

An **ISPFSC** report indicates that the results of the GSR kit administered to Subject 1 indicate that he may not have discharged a firearm with either hand. If he did discharge a firearm, the particles tested for were removed by activity, were not deposited, or were not detected by the procedure.

According to **ISPFSC** reports no latent fingerprint impressions suitable for comparison were found on Subject 1's weapon or a shotgun shell submitted with it. There was no blood indicated on the shotgun. There was blood indicated on the shotgun shell.

In a statement given at IPRA, **Officer A** gave basically the same account of the incident as that given during the Round Table, and which appears in the police reports. Officer A stated that he reholstered his weapon and was attempting to take the shotgun from Subject 1 when he suddenly pointed it at Officer A. Fearing for his life, Officer A stepped back, drew his weapon again and fired.

In a statement given at IPRA, **Officer B** gave basically the same account of the incident as that given during the Round Table, and which appears in the police reports. Officer B stated that Subject 1 was alternately between placing the muzzle of the shotgun

⁷ Lines, stripes; stretch marks.

underneath his chin and waving it around. When Subject 1 suddenly pointed the weapon at Officer A, who was going to try to take it away from him, Officer B fired his weapon at Subject 1.

Officer C terminated his employment with the Department after the incident.

In a statement given at IPRA, **Officer D** gave basically the same account of the incident as that given during the Round Table, and which appears in the police reports. Officer D stated that as Officer A approached Subject 1 from behind in an attempt to take the shotgun from him, Subject 1 suddenly pointed the weapon at CPD Lieutenant A. Fearing that the lieutenant's life was in danger, Officer D fired at Subject 1.

In statements given at IPRA, witness officers **CPD Lieutenant A, CPD Sergeant A, Officer F, and Officer E** all gave basically the same account of the incident as that which appears in the police reports and in the statements of the involved officers. CPD Lieutenant A stated that Subject 1 put the barrel of the shotgun to his own neck as if to shoot himself. The lieutenant told Subject 1 to drop the weapon and not shoot himself. Officer A attempted to take the shotgun, but Subject 1 pulled away and pointed it at CPD Lieutenant A. The involved officers then fired at Subject 1. CPD Lieutenant A did not fire his weapon because another officer was in his line of fire. CPD Sergeant A stated that he was approaching Subject 1, using a vehicle⁸ for cover. He saw CPD Lieutenant A and Officer A, who appeared to be trying to get Subject 1 to surrender the weapon. CPD Sergeant A heard other officers yelling at Subject 1 to drop the weapon. Subject 1 then turned toward CPD Lieutenant A while holding the shotgun in his hands. CPD Sergeant A heard shots but did not fire his weapon. Officer F stated that Officer A was between Officer F and Subject 1 when Subject 1 pointed weapon at CPD Lieutenant A. Officer F did not fire his weapon because he did not want to hit Officer A. Officer E stated that Subject 1 spun toward CPD Lieutenant A with the shotgun in his hands. That was when Officer E heard shots fired and Subject 1 went down. Officer E did not fire his weapon for fear of hitting other officers.

⁸ Subject 1's Volkswagen Passat.

CONCLUSION AND FINDINGS:

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

- A. "a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:
 - 1. to prevent death or great bodily harm to the sworn member or to another person, or:
 - 2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. Otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

Accounts by the officers and witnesses describe Subject 1 in possession of a shotgun, which he already fired a number of times, and acting erratically. That weapon was recovered. The officer and witness accounts also describe officers telling Subject 1 to drop the weapon, with Officer A attempting to take the weapon away from him. Responding to a call of a Man with a Gun, and Shots Fired, the officers encountered Subject 1 with a shotgun and exhibiting suicidal behavior. He refused to comply with the officers' verbal direction to drop the weapon and suddenly pointed it in the direction of CPD Lieutenant A and Officer A. Fearing for the lives of CPD Lieutenant A and Officer A, the involved officers discharged their weapons to prevent death or great bodily harm to them. Subject 1 was struck multiple times and died from his wounds.