

**INDEPENDENT POLICE REVIEW AUTHORITY**  
**Log #1039105/U#10-31**

**INVESTIGATOR**

**SUBJECT:** Log #1039105 /U #10-31

**OFFICER**

**INVOLVED #1:** “Officer A” (Chicago Police Officer); Male/White; 30 years old;  
Off-duty; Year of Appointment – 2004

**OFFICER’S  
INJURIES:**

None Reported

**SUBJECT:**

“Subject 1”; Male/White; 30 years old

**SUBJECTS’  
INJURIES:**

Multiple Gun Shots/Deceased

**SUBJECTS’  
WEAPONS:**

Tire Iron

**INITIAL  
INCIDENT:**

Home Invasion

**DATE/TIME  
OF INCIDENT:**

20 August 2010, 0918 hours

**LOCATION:**

XXXX S. Normandy Ave, Chicago, IL 60638

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**Log #1039105/U#10-031**

### **SUMMARY OF INCIDENT:**

On 20 August 2010, at approximately 0835 hours, an individual (now known as Subject 1) knocked at Officer A's front door. Officer A was off-duty at his home located at XXXX S. Normandy Ave. The individual continued to bang on the front door and ring the front door bell ten to fifteen times. Officer A looked out the top window on the door and saw a male Hispanic whom he had not seen before. The individual left the front door and about two minutes later, Officer A heard banging at his back basement door. Officer A retrieved his service weapon for his own protection and went down to his basement. The banging continued for about 45 seconds, then stopped. Officer A went upstairs and went outside to look around for the individual. Officer A returned to his home and approximately twenty minutes later heard someone trying to kick in his rear basement door. Officer A called 911 and went into his bedroom. Officer A heard the individual open the basement door, come up the stairs, and continue to walk towards Officer A's bedroom. Officer A stepped out of the bedroom to see Subject 1 raising a tire iron and approaching Officer A to strike him. Out of fear for his life, Officer A fired his weapon and hit Subject 1. Officer A fired fourteen rounds and Subject 1 fell to the floor. Subject 1 was pronounced deceased at approximately 0950 hours due to multiple gunshot wounds.

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## INVESTIGATION:

**In a statement with IPRA, Involved Officer A,** related that on 20 August 2010, at approximately 08:35, he received a knock at his front door. The individual continued to bang on the front door and rang the door bell ten to fifteen times. Officer A looked through the window at the top of the door and saw a male Hispanic with long braids wearing a white t-shirt. Officer A did not recognize the individual. Officer A's friend, Witness 1, who had spent the night downstairs, came upstairs and asked, "Who is that?" Officer A told him to be quiet. At this point, Officer A retrieved his service weapon for his own safety. About a minute or two later, Officer A heard banging at his back basement door. Officer A immediately went to the basement and waited as the banging continued for about 45 seconds. Officer A went back upstairs, looked out his windows, and told Witness 1 "I'm going out there to see who this is." Officer A held his firearm in his right hand as he looked on his deck, in the stairwell by his basement, and the alley, but did not see anyone. Officer A went back inside with Witness 1 at which point Witness 1 stated that he had to leave for work. Witness 1 exited through the front door. Approximately twenty minutes later, Officer A heard a loud noise and thought that someone was trying to kick in his back door. Officer A immediately called 911 and reached the Summit Police Department. While on the phone, Officer A heard a second loud noise followed by the opening of his basement door. Officer A was transferred to the Chicago Police Department and as he was on the phone he heard the individual walking up the stairs from the basement to the first floor. At this point, Officer A was located in his bedroom. Officer A heard the individual begin walking towards his bedroom. Officer A put down the phone, continuing the 911 call, stepped out of his bedroom and saw the same male individual he had seen at his front door earlier, now known as Subject 1. Subject 1 raised a tire iron, which he had in his hand, and started to approach Officer A. Out of fear for his life, Officer A discharged his firearm. He was about three feet from the individual and fired fourteen rounds. The tire iron never left the Subject 1's hand and Officer A continued to fire until he was out of bullets. Following the firing of his weapon, Officer A picked up his phone and reported that he had shot someone inside his house. Officer A called his Sergeant, Buddy Lopez, to inform him of the incident. About a minute or two later, the first police unit arrived at the scene and an ambulance arrived on the scene about five minutes later.

**In a statement with IPRA, Witness 1** related that on the date of 20 August 2010, he had been sleeping on the couch in the basement of Officer A's home, located at XXXX South Normandy Ave. At approximately 0850 hours, he heard the front door bell ringing repeatedly for approximately 10 to 15 minutes. Witness 1 put on his shorts and began to walk upstairs. Before he made it all the way upstairs, Officer A was already out of his bed and proceeding to the front door. Witness 1 asked Officer A what was going on, and Officer A responded that he saw a man he had never seen before outside the front door. Witness 1 stated that the door bell stopped ringing; however, he heard somebody pounding repeatedly at the back door. He and Officer A went downstairs, but the pounding and door bell stopped. Five minutes later, Witness 1 began getting ready for work and he asked Officer A if he would be okay. Officer A responded that he would be okay and he walked Witness 1 outside to the front door. Witness 1 stated that he looked to the corner and looked both ways in the alley and he did not see anyone. He looked at Officer A who was standing on the front porch, "shook his shoulder," got in his car and proceeded to work. Witness 1 stated that he and Officer A were alone in the house and no one else was present. He added that he did not make it all the way upstairs when he asked Officer A

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what was happening. Officer A told him that he saw a “guy” who looked like a Hispanic with dreadlocks at the front door. Witness 1 stated that he did not see the person and he did not witness the shooting.

**The Original Case Incident Report** document that a Homicide had taken place at 0919 hours on the date of 20 August 2010 at the location of XXXX S. Normandy Ave. The victim was Subject 1 of XXXXX S. Major Ave. Oak Lawn, Il. The discovering person was Officer A of XXXX S. Normandy Ave. The victim was pronounced deceased at 0950 hours from multiple gun shot wounds.

**The Tactical Response Report from Officer A**, documents that Subject 1 failed to follow verbal direction; then attempted to use a tire iron as a deadly weapon against Officer A. Officer A responded with member presence, verbal commands and fired his weapon; striking Subject 1.

**The Officers Battery Report for Officer A** documented that Officer A was off duty, in his residence at XXXX S. Normandy Ave. when a male white attempted to attack him with a tire iron.

The **Detective Case Supplementary Report** documents that at approximately 0920 hours on the date of 20 August 2010 at the location of XXXX S. Normandy Ave, a Home Invasion/ Homicide occurred. Officer A was off-duty on medical leave. While at his home, an intruder entered with a tire iron and raised it at the officer. Fearing for his life, Officer A shot and killed the offender in his residence. The suspect is Subject 1 of XXXXX S. Major Ave, Oak Lawn, Il. Subject 1 had entered through the rear door. Upon investigation of the residence, the Reporting Detectives observed a pool of blood on the floor of the bathroom, and blood splattered on the walls of the hallway. The Reporting Detectives conducted a canvass of the area with negative results.

Subject 1 had been taken to Christ Hospital by Ambulance 54. Subject 1 was pronounced dead at 0950 hours. The R/D’s contacted Subject 1’s sister, [Subject’s Sister], who stated that Subject 1 had been driving a white 2005 Dodge Caravan. The R/D’s discovered the 2005 Dodge Caravan parked at 5506 S. Rutherford.

The R/D’s reviewed the 911 calls from both the Summit Police Department and the Chicago Police Dispatch Center. The account given by Officer A is consistent with the recordings of the audio disks. The R/D’s also obtained video surveillance footage which was reviewed and showed a subject matching Subject 1 walking on Archer Ave. wearing the same clothing as was inventoried by the Forensic Services Section of the Chicago Police Department.

The R/D’s received an information report, prepared by Officer B, who was flagged down an anonymous citizen who stated that a “[Male Name]” had been incarcerated with Subject 1. The anonymous citizen related that he had a conversation with [Male Name] who stated that while in custody, he had had a conversation with Subject 1. Subject 1 had said that he and a neighbor of Officer A had been casing the house for a couple of weeks in order to learn Officer

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A's schedule. The R/D visited the addresses provided in the information report on several occasions, but were unsuccessful in making contact with [Male Name].

**The Autopsy of Subject 1** which was conducted by Assistant Medical Examiner Doctor A. Doctor A noted from what she observed, that Subject 1 sustained ten actual gun shot wounds and one graze wound. She observed that there were entry wounds to both the anterior and posterior regions. Doctor A was able to recover four actual rounds from the body. Doctor A was unable to point to any one gunshot wound as the actual cause of death, in that the heart, lungs, kidneys and liver sustained considerable damage from the gunshots. Doctor A listed the cause of death as: Multiple Gunshot Wounds.

**Photographs** taken by Officer C, Officer D, and Officer E view the crime scene. The photos view the offender and his wounds, bullet holes throughout the residence, bullet casings, blood splatters on the walls, and a tire iron lying on the tile floor.

A **Canvass** in the area of the incident on 13 October 2009 at approximately 1630 hours was met with negative results.

**Chicago Fire Department Ambulance Report** indicated that Subject 1 sustained five gunshot wounds to the chest and left hand. Subject 1 was removed from the home via a backboard to a stretcher positioned at the bottom of the stairs.

**O.E.M.C Event Queries** (Event #1023204842) documents that at 09:32:12 an off duty police officer shot a burglar in his home. The offender was being transported to the hospital in an unknown condition.

**Crime Scene Processing Report #103098**, documents items inventoried and photographs obtained by the Evidence Technicians at the scene. The report listed the involved people and the investigating officers and technicians. The report also documented that Officer A's firearm was recovered and swabbed. The report was submitted by Officer F on 21 August 2010 at 0005 hours.

**Illinois State Police Forensic Science Laboratory Report** documented under Lab Case #C10-033893 that Officer A's firearm was tested and in proper working condition. Two fired bullets and two fired bullet fragments were examined for caliber and type. They were all found to have been fired from Officer A's firearm. The offender was armed with a tire iron. He used the tire iron to pry at the victim's basement door and he also kicked at the door, leaving a clear foot impression on the door. It was determined that the foot impression was made by the foot wear that Subject 1's was wearing.

A review of the **911 calls for 20 August 2010**, documented that at approximately 0916 hours off duty Officer A, reported that he had shot someone inside his house at XXXX S. Normandy. Officer A reported that the offender broke in through the back door of his basement. The offender attempted to attack Officer A with a crow bar. The offender was a male Hispanic who looked to be about 25-30 years old. Officer A stated that the offender was still lying in his hallway and "gurgling".

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**Property Inventory sheet #12145613** documented an audio recording for the Summit Police 911 calls, an audio recording for the Chicago Police 911 calls, and a video recording from Tom's Tap.

**Medical Records for Subject 1 from Christ Hospital and Medical Center** documented that Subject 1 was admitted and treated for multiple gun shot wounds.

A **Surveillance Video from Tom's Tap** from the date of the incident shows an individual who appears to be Subject 1 walking down the street at approximately 0916 hours. Nothing else pertinent to the case is shown. Only regular foot and vehicular traffic can be seen and no police activity.

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### CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A was in compliance with Chicago Police Department policy and Illinois State statutes. According to the Chicago Police Department's General Order No. 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 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."

The Officers' actions were in accordance with the requirements of the Department's Use of Deadly Force policy. Officer A's reactions were solely based on the actions of Subject 1. Subject 1 had forcibly entered Officer A's house and posed an imminent threat of battery by preparing to use a tire iron as a weapon against Officer A. Subject 1 was committing a forcible felony at the time he entered Officer A's home. Officer A was reasonably in fear for his life as Subject 1 prepared to strike Officer A with a tire iron.