

INDEPENDENT POLICE REVIEW AUTHORITY

Log#1043106, U# 11-07

INVESTIGATION

NUMBER: U# 11-07, Log #1043106

OFFICER

INVOLVED#1: “Officer A” (Chicago Police Officer); Male/White; 47 years old;
On Duty; In Uniform; Year of Appointment – 1995

OFFICER #1’S

INJURIES: None reported

SUBJECT: “Subject 1”; Male/Black; 36 years old

SUBJECT’S

INJURIES: One (1) gunshot wound to the lower left quadrant (entry) and
lower left flank (exit). Treated at Illinois Masonic Hospital.

INITIAL

INCIDENT: Unlawful Entry

DATE/TIME

OF INCIDENT: 03 February 2011, at approximately 0408 hours

LOCATION:

4XXX N. Kenmore Avenue
Beat 2024

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SUMMARY OF INCIDENT:

On 03 February 2011, at approximately 0358 hours, Beat 2022R, Police Officer A and Police Officer B, responded to a call of a criminal trespass in progress at 4XXX N. Kenmore, on the sixth floor. Upon arrival, the officers were directed to the sixth floor by a desk clerk¹. On the sixth floor, Officer A and Officer B encountered a black male subject, now known as Subject 1, standing inside his door frame, room #6XX, with the door opened. Subject 1 was holding a knife in his right hand and two screwdrivers in his left hand. Officer A and Officer B told Subject 1 to drop the knife and screwdrivers multiple times but Subject 1 refused. Subject 1 then walked towards Officer B with the knife and screwdrivers still in both of his hands. Officer B walked backwards, with his weapon in his hands, and continued to order Subject 1 repeatedly to drop the knife and screwdrivers.

Officer A followed behind Subject 1 and also continued to tell Subject 1 to drop the knife and screwdrivers. Subject 1 then turned around and began advancing towards Officer A. Officer A then retreated backwards until he was backed up against a wall and fire exit door. Officer A continued to give Subject 1 warnings to drop the weapons, but Subject 1 still refused and continued to advance at Officer A with the knife pointed at Officer A. Officer A, fearing for his safety, fired his weapon once, striking Subject 1 in the lower left mid-section of his body. Subject 1 retreated back to his room where he was placed into custody. Subsequently, Subject 1 was transported to Illinois Masonic Hospital via ambulance.

¹ Now identified as Witness 5 in a statement with IPRA.

INVESTIGATION:

In a statement with IPRA dated 03 February 2011, Witness 1 stated that on the morning of the incident, at approximately 0400 hours, she was in her room, #6XX, asleep. Witness 1 was awakened by the sounds of a commotion in the hallway. Witness 1 heard an unidentified male subject repeatedly yelling, “Drop the knife.” The yelling continued for approximately ten to fifteen minutes and other voices joined in yelling, “Drop the knife.” A short time later, Witness 1, while still in her room, heard a single loud “bang” but could not determine its origin. According to Witness 1, the individuals yelling “drop the knife” continued to yell all the way up to the point where she heard the loud “bang.”

Witness 1 added that she did not hear any person announce the presence of the police prior to the “bang.” Witness 1 remained in her room until police officers knocked on her door later in the morning during a canvass of the area. Witness 1 recalled that she did not leave her room because she was too scared to do so due to the commotion in the hallway. Witness 1 later learned that the police had shot another tenant, Subject 1, while in the hallway of the building, but she did not witness the incident. (Att.15,17)

In a statement with IPRA dated 03 February 2011, Witness 2 stated that on the date of the incident he was getting into bed when he heard someone “fiddling” with the door knob on the door to his room, #6XX². Witness 2 got out of bed to see what was happening and noticed an individual known to him as “[First Name]” (Subject 1), who resides in room #6XX,³ standing by the door of his room. Witness 2 told Subject 1 to leave or else he would call the police. According to Witness 2, Subject 1 was holding a screwdriver and an unidentified pointed object in his hand. Subject 1 did not respond to Witness 2, so Witness 2 telephoned the front desk clerk, “[Witness 5 First Name]” (Witness 5). Witness 2 told Witness 5 that Subject 1 had broken into his room and to notify the police. Shortly afterwards, Witness 2 instructed Subject 1 again to leave and informed him that the police were en route to the building. Upon hearing this, Subject 1 responded by stating, “That’s okay, I belong in jail.”

Witness 2 then placed his hand on Subject 1’s arm and pushed him towards the door while telling him to leave and return to his own room. At that point, Subject 1 grabbed Witness 2 by his wrists but Witness 2 was able to push Subject 1 towards the front door. At that time, Witness 2’s neighbor, “[Witness 3 First Name]”⁴, knocked on the door and asked Witness 2 if he was all right. Witness 2 told Witness 3 to come into his room and help him with Subject 1. Subject 1 turned around to look at Witness 3 and Witness 2 grabbed a coffee cup and stuck Subject 1 on the head. Subject 1 pushed past Witness 3 and went to his room. After Subject 1 left Witness 2’s room, Witness 2 noticed

² In a To-From-Subject-Report (Att.23) that summarizes Witness 2’s audio recorded statement, Witness 2’s room number was mistakenly listed as room #6XX. Witness 2 resides in room #6XX.

³ In a To-From-Subject-Report (Att.23) that summarizes Witness 2’s audio recorded statement, Subject 1’s room number was mistakenly listed as room #6XX. Subject 1 resides in room #6XX.

⁴ Now known as Witness 3 in a statement with IPRA.

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that Subject 1 was holding a knife in his hand. Witness 2 then told Witness 3 what had occurred.

A moment later, Subject 1 returned to Witness 2's room and attempted to reenter the room again. However, Witness 2 and Witness 3 were able to prevent Subject 1 from reentering the room by closing the door on him. As Witness 2 and Witness 3 were holding the door closed, they attempted to lock the door but could not lock the door because Subject 1 was still pushing on the door and turning the door knob. At that time, the telephone in Witness 2's room rang and he instructed Witness 3 to answer the telephone. Witness 3 picked up the phone and spoke with Witness 5. Witness 5 told Witness 3 that the police had arrived and was on their way up to the sixth floor. Witness 3 told Witness 5 to have the police hurry because Subject 1 was trying to break into Witness 2's room again.

At that time, Witness 2 noticed that Subject 1 was no longer holding onto the door knob. Witness 2 stuck his head out into the hallway and observed that Subject 1 had returned to his room. When Witness 2 stepped completely out into the hallway, he observed two uniformed police officers, Officer A and Officer B, coming into the hallway. Witness 2 returned to his room, closed the door, and heard one of the officers tell Subject 1 to "put down the knife." Witness 2 and Witness 3 then spoke to one another about the incident. A moment later, Witness 2 heard one of the officers yelling, "Put the knife down." According to Witness 2, the officer yelled "Put the knife down," four or five times and each time was successively louder than the previous instance.

After the sixth time of hearing, "Put the knife down," Witness 2 heard a single gunshot and remained in his room. A short time later, Witness 2 heard a "scuffle" in the hallway. Witness 2 looked out to see what was happening but did not see anyone. Witness 2 then walked to the end of the hallway and observed the officers standing by the door of Subject 1's room. Witness 2 returned to his room and remained there until the police knocked on his door later in the morning. Witness 2 recalled that Subject 1 looked like a "crazed maniac" during the course of the incident. (Att.21,23)

In a statement with IPRA dated 03 February 2011, Witness 3 stated he had just entered his room, #6XX, and was using the washroom when he heard his friend, "[Witness 3 First Name]⁵," yelling, "Get out of my room." Witness 3 went over to Witness 2 room to see what was happening. Upon knocking on the door, Witness 2 yelled for Witness 3 to come into his room. Witness 3 entered Witness 2's room and observed "[First Name]" (Subject 1) holding a butcher's knife near the back of Witness 2's head. Witness 3 told Subject 1 to leave Witness 2 alone. Suddenly, Witness 2 struck Subject 1 on the head with a coffee cup. Subject 1 then ran out of Witness 2's room while still holding the butcher's knife. Witness 3 described the blade of the knife Subject 1 was holding as approximately seven or eight inches long.

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

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A moment later, Subject 1 came back to Witness 2's room and attempted to force his way back inside. Witness 3 attempted to close the door in order to prevent Subject 1 from reentering. At that time, the telephone in Witness 2's room rang. Witness 2 instructed Witness 3 to answer the phone while he held the door to prevent Subject 1 from reentering the room. Witness 3 answered the phone and spoke with "[Witness 5 First Name]" (Witness 5) who informed him that the police had arrived and were on their way up to Witness 2's room. Subject 1 then returned to his room and Witness 3 and Witness 2 stepped out into the hallway. Subsequently, Witness 3 observed approximately seven male officers coming onto the sixth floor. Subject 1 was waving the butcher's knife at the officers and the officers instructed Witness 3 and Witness 2 to return to their rooms. Witness 3 and Witness 2 then went inside Witness 2's room.

A few moments later, Witness 3 heard an officer repeatedly yelling, "Put the butcher knife down," with each command a bit louder than the previous. After hearing the command given to Subject 1 to put down the knife, Witness 3 heard a single popping sound. Witness 3 stated that he knew the police had shot Subject 1 but did not actually see the incident. After Witness 3 heard the popping sound, he became nervous and returned to his room. Witness 3 laid down on his bed and did not reemerge from his room until the police knocked on his room door later in the morning. (Att.25,27)

In a statement with IPRA dated 03 February 2011, Witness 4 stated that on the date of the incident he was in his room, #6XX, when he was awakened by loud voices coming from the hallway. Witness 4 got out of bed, opened his door, and observed two police officers, Officer A and Officer B, telling "[First Name]" (Subject 1) to drop the knife he was holding. Witness 4 recalled that he observed Subject 1 holding a butcher knife in his hand down by his side. The officers continued to tell Subject 1 to put down the knife down but Subject 1 did not comply. Subject 1 went inside his room and closed the door. Witness 4 then closed the door to his room.

Approximately twenty seconds later, Witness 4 reemerged from his room because the noise from the officers and Subject 1 was getting louder. Witness 4 observed an officer⁶, Officer B, standing at the east end of the hallway while the other officer⁷, Officer A, stood at the opposite end of the hallway. Subject 1 had started to approach Officer A while holding the knife by his legs. As Subject 1 approached Officer A, Officer A continued to instruct Subject 1 to drop the knife several times. Subject 1 did not respond and continued to advance at Officer A.

At that time, Officer A fired his weapon once striking Subject 1. Witness 4 recalled that Officer A was "boxed in" by the walls surrounding him and that Subject 1 was approximately ten to fifteen feet away from Officer A when the shot was fired. According to Witness 4, he was standing in the door frame of his room when Officer A fired his weapon. After Subject 1 had been struck by the bullet, Subject 1 retreated to his

⁶ Witness 4 described this officer as a Hispanic male.

⁷ Witness 4 described this officer as a Caucasian male who fired his weapon.

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room and was handcuffed without incident. The paramedics arrived and escorted Subject 1 out of the building. (Att.29,31)

In a statement with IPRA dated 03 February 2011, Witness 5 stated that on the date of the incident he was working as the night desk clerk at the . Witness 5 received a phone call from Witness 2 who stated that Witness 5 should call the police because “[First Name]” (Subject 1) was in his (Witness 2’s) room. Witness 5 called the police and told the dispatcher that someone had broken into someone’s room. Shortly afterwards, Witness 5 called Witness 2’s room but did not receive an answer. Witness 5 called Witness 2’s room again and the phone was answered by “[Witness 3 First Name]” (Witness 3). Witness 3 told Witness 5 that Witness 2 was okay and that he was going to stay in the room with Witness 2.

Shortly afterwards, the police, Officer A and Officer B, arrived and Witness 5 took them to the sixth floor in an elevator. When Witness 5 got to the sixth floor, he did not see Witness 2, Witness 3, or Subject 1. Witness 5 recalled that he did not hear any voices in the sixth floor hallway. Officer A and Officer B told Witness 5 to go back down to the first floor and Witness 5 complied. Witness 5 waited in his office for other officers to arrive on the scene. As Witness 5 waited in his office, he heard shouting and a loud noise. An unidentified person told Witness 5 that a shot had been fired. According to Witness 5, he did not think that the loud noise was a gunshot because gunshots are not common at the hotel. Witness 5 did not witness the shooting. (Att.8,53)

A canvass was conducted and produced one witness, Witness 6. (Att.6)

In a statement with IPRA dated 03 February 2011, Witness 6 stated that on the date of the incident she was in her room, #6XX, with her husband, [Witness 6 Husband]⁸, when she heard a noise in the hall. Witness 6 exited her room, went around the corner, and observed two male uniformed officers, Officer A and Officer B, in the main hallway. The officers were telling one of the tenants, Subject 1, to go back into his room. Witness 6 recalled that the officers were standing on opposite sides of the door to Subject 1’s room. Subject 1 was holding a large knife and standing on the threshold of his room and did not respond to the officers commands.

Witness 6 then went back into her room. One of the officers⁹ backed down the hall and followed Witness 6 into her room. A short time later, Officer B exited the room and looked around the corner. Officer B then went back around the corner and into the main hallway. Witness 6 followed behind Officer B and did not see Subject 1 in the hall. As Witness 6 walked down the main hallway behind Officer B, Subject 1 reemerged

⁸ During a canvass of the location of incident (Att.6), IPRA Investigator 1, and IPRA Investigator 2, spoke to [Witness 6 Husband] who stated that he did not witness the incident. [Witness 6 Husband] lives in an adjacent room, #6XX.

⁹ Witness 6 mistakenly identified Officer B as the officer who followed her into her room and fired his weapon. However, in statements with IPRA and as well as Department Report, Officer B stated that he was the one who entered an apartment, now known to be Witness 6’s, to take cover. Officer A never entered any apartment and he was the one who fired his weapon.

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from his room holding a knife. At that point, both officers stated to Subject 1 several times, "Put the knife down." Subject 1 did not respond to either of the officers directions. According to Witness 6, Subject 1 looked like he was in a "daze" and began to walk in the direction of Officer B while still holding the knife. The other officer, Officer A, who was still standing opposite of Subject 1's room shouted words to the effect, "Stop! Stop! Put that down!" several times. Subject 1 did not respond and continued to walk towards Officer B and Witness 6, who was still standing behind Officer B. At that point, Officer B¹⁰ fired his weapon at Subject 1. Witness 6 went back into her room and did not witness anything further. (Att.11,13)

In a telephone conversation dated 18 February 2011, Witness 7 stated that on the date of the incident he was in his room, #611. Witness 7 heard police officers in the hallway of his building by "[Witness 4 First Name¹¹" room, #6XX. The police officers were telling someone to "drop the knife" for a couple of minutes. A couple of minutes later, Witness 7 heard a gunshot. Witness 7 later learned that Subject 1 was shot by the police. Witness 7 stated that he was in his room the entire time and he did not observe the shooting. (Att.56)

Attempts to interview Subject 1 were unsuccessful. Subject 1 invoked his right to remain silent and decided not to cooperate with the investigation. (Att.40,64)

The Chicago Fire Department (CFD) EMS Incident Report indicates that on 03 February 2011, at 0439 hours, paramedics responded to the scene and observed Subject 1 with a GSW¹² to the LLQ¹³ with an exit wound to the left flank. Subject 1 stated that he heard one gunshot and was complaining about pain to the area. Subject 1 informed paramedics that he stopped taking his psychiatric medications. Subject 1 was transported to Illinois Masonic Hospital. (Att.39)

Medical Records from Illinois Masonic Hospital document that on 03 February 2011, Subject 1 was brought into the hospital because he sustained a gunshot wound to his abdomen. The medical records also documents that Subject 1 has a history of schizophrenia and had not been taking his medications. Subject 1 was discharged on 05 February 2011 with a gunshot wound to the abdomen. (Att.60)

The related Department Reports, including the Arrest Report, Original Case Incident Report, and Case Supplementary Report, included accounts of the incident that were consistent with the Summary of Incident. The Case Supplementary Report added that Subject 1 did not want to speak with detectives and requested to speak with a lawyer. Subject 1 was arrested and charged with Aggravated Assault – Peace Officer/Fireman (two counts) and Home Invasion – Armed/Force.

¹⁰ In a statement with IPRA, as well as in Department Reports, Officer A stated that he was the one who fired his weapon.

¹¹ Now known as Witness 4 in a statement with IPRA.

¹² Gunshot Wound

¹³ Left Lower Quadrant

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Detectives interviewed Officer A who provided an account that essentially is consistent with the Summary of Incident. Officer A added that as Subject 1 advanced towards him, he ended up being against a wall and fire exit door. Despite continued warnings to drop the weapons, Subject 1 continued to advance toward Officer A with the knife pointed at him. Officer A, fearing for his own safety, fired one shot at Subject 1, striking him in the lower left mid-section of the body. Subject 1 spun around, ran to his room, #6XX, and closed the door. The officers made an immediate forced entry into Subject 1's room and were able to arrest him without further incident. Officer A located the chef's knife and two screwdrivers inside Subject 1's room and removed them from the room, placing the items on the floor just outside of the bedroom door.

Detectives also interviewed Officer B who also provided an account that essentially is consistent with the Summary of Incident. Officer B added that as he was walking backwards westbound down the sixth floor hallway, Subject 1 was walking towards him with his weapons, a large knife in his right hand and multiple screwdrivers in his left hand, still displayed. Officer B got to the end of the hallway and was allowed entry into an apartment to get away from Subject 1 who was still advancing towards him. Officer B remained in the apartment momentarily and then emerged from the apartment and reentered the hallway. Officer B observed that Subject 1 was now walking eastbound toward Officer A who had his weapon drawn. Officer B followed Subject 1 as he advanced toward Officer A. As Officer A got to the east end of the hallway, his back was up against a fire escape door. Officer B could tell that Officer A would certainly have to shoot Subject 1. Officer B positioned himself along the south wall of the hallway to avoid being in the potential cross-fire. Subject 1 continued to advance towards Officer A, despite numerous commands to drop the knife. Officer A fired his weapon once, striking Subject 1. Subject 1 spun around and fled into his nearby apartment and closed the door. Officer B and Officer A forced opened Subject 1's apartment door and were able to place him into custody without further incident. (Att.32,34,69)

The Crime Scene Processing Report listed that a knife was recovered from the hallway floor at the location of incident outside of apartment #6XX and inventoried under number 12235488. The knife was described as a kitchen knife with a black five (5) inch plastic handle with a six (6) inch blade. In addition, two screwdrivers were recovered from the hallway floor outside of apartment #6XX¹⁴. Further, a Beretta, Model 92D Centurion, 9mm, semi-automatic pistol, Serial #BER256640Z, belonging to Officer A, was inventoried under number 12235505. (Att.44)

Evidence Technician Photographs and Videotape depicts what appear to be the location of incident and the recovered evidence. (Att.45,59)

An Officer's Battery Report (OBR) indicates that Officer B did not sustain any apparent injuries or no injury. (Att.36)

¹⁴ Identified as Subject 1's room in Department Reports.

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A Tactical Response Report (TRR), listing Officer B as the involved member, documents that Subject 1 was an “assailant” who “did not follow verbal direction, fled, posed an imminent threat of battery, and attacked with a weapon (knife).” Officer B used member presence and verbal commands to subdue Subject 1. (Att.35)

An OBR indicates that Officer A did not sustain any apparent injuries or no injuries. (Att.38)

A TRR, listing Officer A as the involved member, documents that Subject 1 was an “assailant” who “did not follow verbal direction, fled, posed an imminent threat of battery, and attacked with a weapon (knife).” Officer A used member presence, verbal commands, and his firearm to subdue Subject 1. The TRR indicates that Officer A fired one shot from his weapon, a 9mm Beretta, Model 92D Centurian. (Att.37)

Office of Emergency Management and Communication Records indicate that on 03 February 2011, at 0353 hours, a male caller who identified himself as the desk clerk, Witness 5, on the first floor of the , reported that a man, Subject 1, with “psychological problems” from room #6XX broke into room #6XX¹⁵. Beat 2022, Officer A and Officer B, responded to the scene. Shortly after responding to the scene, Beat 2022 requested another unit to the scene and an ambulance because Subject 1 had been shot in the front lower left abdomen in the hallway. Subject 1 was subsequently transported to Illinois Masonic Hospital. (Att.59,70,71,72)

A Report from the Illinois State Police (ISP), Division of Forensic Services, dated 03 March 2011, documented that Officer A’s weapon, a Beretta, Model 92D Centurion, 9mm Luger semiautomatic pistol, Serial #BER256640Z, inventoried under number 12235505, was examined, found to be in firing condition, and test fired. A fired bullet, a 9mm caliber bullet, and a 9 mm Luger +P caliber fired cartridge case were examined and determined that they were fired from Officer A’s weapon. (Att.61)

An ISP Report, dated 24 January 2012, documented that two screwdrivers, inventoried under number 12235490, were examined but did not reveal any latent impressions suitable for comparison. The knife, inventoried under number 12235488, was not examined. (Att.68)

A Breathalyzer Test taken on 03 February 2011, at 1006 hours, revealed that Officer A’s BAC was .000. Officer A also submitted to a drug test on the same date, at 1018 hours, which revealed negative results. (Att.65)

In a statement with IPRA dated 04 February 2011, involved Officer A stated that on the date of the incident he was working Beat 2022, in uniform, with Officer B. Officer A and Officer B responded to the location of incident, , because there was a call

¹⁵ Witness 2’s room

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of a criminal trespass in progress. Officer A recalled that the dispatcher stated that the offender, now known as Subject 1, had a knife.

When Officer A and Officer B arrived on the scene, they were met by the desk clerk, Witness 5. Witness 5 related that Subject 1 was harassing and trying to break into another guy's, Witness 2, room. Witness 5 then proceeded to take the officers up in the elevator and they get off on the sixth floor. At that time, the officers told Witness 5 to go back in the elevator and go back down because they were going to handle the situation. Witness 5 complied and the officers started walking down the hall. As the officers walked down the hall, Officer A observed two white males, now known as Witness 2 and Witness 3, arguing with a black male, Subject 1, in the hallway. Witness 2 and Witness 3 saw the officers and stated, "This is the guy (referring to Subject 1). He is trying to threaten us with this knife."

The officers ordered Witness 2 and Witness 3 to go back into their apartment so they could "work" with Subject 1. Witness 2 and Witness 3 complied and the officers proceeded to walk towards Subject 1. Subject 1 walked back into his apartment but then came back to his apartment's doorway. At that time, the officers started to talk to Subject 1 and ask him what was happening. Officer A recalled that he wanted to "triangulate" the situation so he kept his eye on Subject 1. Officer A stood to the right side of Subject 1 while Officer B stood to the left of Subject 1.

At that point, Officer A observed that Subject 1 had a knife clutched in his right hand on the same side that he (Officer A) stood on and two screwdrivers in his left hand. Officer A and Officer B withdrew their weapons and stated to Subject 1, "Please, let's work this out" and "Put down your knife and screwdriver, we're gonna talk about this." According to Officer A, Subject 1 might have had some sort of mental problems because he was bobbing his head and his eyes were darting around looking at the officers, looking away, and looking at the officers again. The officers continued to talk to Subject 1 for maybe two or three minutes and Subject 1 still did not comply. A neighbor from across the hall peaked out and stated to Subject 1, "Listen, you do not want to get killed. Just do what the officers say." The neighbor attempted to talk to Subject 1 to no avail so the neighbor closed the door.

The officers continue to tell Subject 1 to put down the knife and screwdrivers but Subject 1 looked angrier and started bobbing his head more. Suddenly, Subject 1 reached back, closed his door, and stated, "I'm going to kill someone." Subject 1 then proceeded to walk towards Officer B. Officer B started backing up and gave Subject 1 orders to "drop the knife." Officer A then attempted to open Subject 1's apartment door so that he could have a little bit of cover with the door frame. Officer A wanted to see how Officer B would respond. Officer B continued to back up and both officers continued to give Subject 1 directions to no avail.

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At that time, Officer B entered into a door of one of the rooms¹⁶ down the hall. Officer A went towards the apartment that Officer B went into as well as Subject 1. Subject 1 kicked the apartment door that Officer B went into and struck the door with his clenched fist that was holding the knife. Officer A went to the middle of the hall and continued to tell Subject 1 to drop the knife. According to Officer A, Subject 1 realized that Officer A was in the hall so he turned and faced him. Subject 1 started walking towards Officer A with the knife in his right hand in a striking position. Officer A described the striking position as the knife being in an upwards position near Subject 1's ear. Officer A recalled that Subject 1 still had screwdrivers in his left hand.

Officer A began to back pedal as he was trying to keep his eye on Subject 1 and telling him to "drop the knife." At that point, Officer A's back was up against the fire exit. Officer A still had his weapon pointed at Subject 1. Subject 1 continued to approach Officer A and got within fifteen to twenty feet of Officer A at which time Officer A fired one round, striking Subject 1. Officer A recounted that Subject 1 still had the knife raised when he fired his weapon. Subject 1 immediately grabbed the left side of his abdomen and stated, "Ow!" Subject 1 then darted back to his room, went inside, and closed the door behind him.

Officer A and Officer B both followed Subject 1 to his room. Officer B kicked the door about three or four times and broke the lock. The officers then entered Subject 1's room with their weapons still drawn. When the officers entered Subject 1's room, Officer A observed Subject 1 on his knees and with his hands up near his head. According to Officer A, he and Officer B still had to be cautious because they did not know if Subject 1 was hiding something in the back of his pants so they stayed in the doorway. At that point, Officer A observed the knife and the two screwdrivers on top of a microwave. The microwave was by the entrance of the door. Officer A grabbed the knife and the screwdrivers and placed them outside the door on the ground. Officer A then told Officer B that he had the knife and screwdrivers so "it should be okay, let's handcuff him." The officers holstered their weapons and handcuffed Subject 1.

After Subject 1 was handcuffed, Officer A observed some blood on the left side of Subject 1's shirt. Officer A recalled that during the incident there was good lighting. Officer A described the knife that Subject 1 had as a nine inch blade butcher knife with a black plastic handle and the screwdrivers were about seven to eight inches long. Officer A stated that he was not injured during the incident but he went to Weiss Hospital to check his blood pressure. (Att.49,66)

In a statement with IPRA dated 03 February 2011, Officer B stated that on the date of the incident he was working Beat 2022, in uniform, with Officer A. Officer B and Officer A responded to the location of incident, , because there was a call of a criminal trespass in progress. When the officers arrived on the scene, they were met by "[Witness

¹⁶ Now identified as Witness 6 room in her statement with IPRA.

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5]¹⁷” who was working on the desk at the hotel. Witness 5 stated that a black male subject, now known as Subject 1, was threatening someone with a knife. Witness 5 informed the officers that Subject 1 was “mental.” Witness 5 took the officers to the sixth floor on an elevator. When they reached the sixth floor, the officers and Witness 5 got off of the elevator.

At that time, Officer B heard an argument or commotion towards the end of the hallway and observed Subject 1 and two white male subjects, now known as Witness 2 and Witness 3, standing at the end of the hallway. Officer B and Officer A proceeded to go down towards the end of the hallway. Subject 1 broke off from the argument and started walking towards his apartment’s main door. The officers followed Subject 1 and approach him.

According to Officer B, when he and Officer A approached Subject 1, they were triangulated with him. Officer B introduced himself to Subject 1 and asked him what was going on but Subject 1 just stood in the main door and did not say anything. An unidentified white male subject, across from Subject 1’s apartment, approached Officer B from behind and stated to Subject 1, “Dude, you know, drop the knife and excuse the officer; they are going to shoot you.” At that point, Officer B observed a knife in Subject 1’s right hand and a screwdriver in his left hand. Officer B and Officer A withdrew their weapons and Officer B stated, “Sir, please drop the knife. Let’s talk this out. I’m here to help you, I’m not here to hurt you. There’ll be no shooting, just calm down and work with me.”

Officer B continued to give Subject 1 numerous verbal commands to drop the knife, but Subject 1 did not comply. All of a sudden, Subject 1 walked towards Officer B with the knife and screwdriver in his hands. Officer B started to walk backwards towards the elevator with his weapon in his hand while still giving Subject 1 verbal commands to drop the knife. According to Officer B, he had to make a judgment call to shoot or not because it was a chance that he could strike Officer A who was standing behind Subject 1. As Officer B continued backing up, he observed two civilians to his left with their apartment door open. Officer B entered the apartment and closed the door. Officer B stated that he wanted to take cover and make sure that Subject 1 was still coming because he was going to shoot. Subject 1 pushed on the apartment door in an attempt to enter.

Shortly afterwards, Officer B exited the apartment after Subject 1’s last push and after he did not hear anything. Officer B recalled that he was concerned about Officer A. When Officer B exited the apartment, he observed Subject 1 walking towards Officer A in an attack mode. Officer B described the attack mode as Subject 1 having the knife still in his right hand in an upright position ready to stab Officer A. Officer A was backing up as Subject 1 approached him. Officer B followed behind Subject 1 approximately five to ten feet. According to Officer B, there was no verbal communication between him and Officer A because they were both yelling “drop the knife” to Subject 1. As Officer A continued to back up, he backed himself up against a fire escape door. Officer A

¹⁷ Now known to be Witness 5 in a statement with IPRA.

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attempted to open up the fire escape door to no avail. At that time, Officer B stated that he knew that Officer A was going to shoot so he stood to the right to take cover. Officer B then heard one gunshot. Subject 1 made a sound, grabbed the left part of his stomach, entered his apartment, and closed the door.

At that point, Officer B reported over the radio shots fired. Officer B also requested assistance and an ambulance to the scene. Officer B then kicked Subject 1's front door open. Subject 1 was standing in the apartment facing Officer B. Officer B observed that Subject 1 did not have any weapons in his hands and told Subject 1 to get on his knees and belly. Subject 1 complied and Officer B told Officer A to cover him so that he could handcuff Subject 1. Officer B recounted that initially he did not see Subject 1 bleeding but observed that he was bleeding from his side when he handcuffed him. Subject 1 was subsequently taken into custody. Officer B stated that he was not injured during the incident. (Att.18,67)

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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. 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. Subject 1 was in possession of a knife and witnesses, Witness 2, Witness 3, Witness 6, and Witness 4, all attested that they observed Subject 1 with a knife. In addition, all of the witnesses heard Officer A and Officer B tell Subject 1 numerous times to "drop the knife." A knife and two screwdrivers were recovered on the scene. Subject 1 refused numerous verbal commands to drop the knife. Officer A, in fear of his life, fired his weapon. 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.