

**INDEPENDENT POLICE REVIEW AUTHORITY  
LOG#1047019/U#11-39**

**INVESTIGATION**

**NUMBER:** Log #1047019 / U#11-39

**OFFICER**

**INVOLVED:** “Officer A” (Chicago Police Officer); Female/Hispanic; 31 years old; On-duty; In Uniform; Year of Appointment – 2002

**OFFICER**

**INJURIES:** None.

**SUBJECT:** “Subject 1”; Male/White; 38 years old

**SUBJECT’S**

**INJURIES:** Lacerations (stab wounds) to the abdomen, left arm and neck; Gunshot wounds to both legs; Taser wounds to the back. Treated at Illinois Masonic Hospital.

**DATE/TIME:** 17 July 11, 2147 hours.

**LOCATION:** 2942 N. Lotus Avenue (on the street).

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**SUMMARY OF INCIDENT:**

On 17 July 2011, at approximately 2140 hours, at 2942 N. Lotus Avenue, on the street, the subject, Subject 1, attacked two citizens, namely Witness 1, and her husband, Witness 2, with a knife. 025<sup>th</sup> District personnel, namely Officers A and B, assigned to Beat #2514, arrived at the scene in response to a Chicago Fire Department (CFD) assignment of "10-1" (Emergency police assistance). Subject 1 charged Officers A and B while wielding two knives. Officer A, in fear of his life, and the life of Officer B, fired eight shots at Subject 1, striking him in both legs. Despite being shot, Subject 1 refused to drop the knives. Officer C, Unit 025, deployed his taser, rendering Subject 1 immobile. The knives were kicked away from Subject 1. Subject 1 was subsequently arrested and then transported to Illinois Masonic Hospital by CFD personnel.

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Initial attempts to interview **the subject, Subject 1**, were made but met with negative results.

**Civilian Witness 1** stated that she and her husband, Witness 2, were on their daily walk, southbound on the west side of Lotus Avenue. They had just crossed Wellington Avenue, at Lotus Avenue, when Witness 1 observed a white/male, (Subject 1), who did not appear to be mentally sound, walking in their direction, wearing a bloodied shirt and holding a knife in each hand. Without provocation, Subject 1 attacked Witness 1 and her husband with the knives, knocking them both to the ground. Subject 1 fell on top of them and attempted to stab them. Witness 2 kicked Subject 1 on the leg, causing him to step away from them. Witness 1 and her husband immediately got up and retreated to their home, located at XXXX N. Lotus Avenue. Neither Witness 1 nor her husband witnessed the police involved shooting of Subject 1.

**Civilian Witness 2** corroborated the account of his wife, Witness 1, and stated as he and Witness 1 fled toward their residence, he observed people exit neighboring houses to prevent Subject 1 from continuing to go after them. He also heard one of the neighbors calling the police. When Witness 2 arrived at his residence, he observed that Witness 1 was bleeding from her upper left arm and heard her complaining of pain to her right wrist. The Chavez's waited inside their home until the police and paramedics arrived.

A canvass was conducted and three **witnesses, Witness 3, and his two daughters, Witness 5 and Witness 4**, were interviewed.

**Civilian Witness 3** stated that he was on the second floor bedroom of his residence, located at XXXX N. Lotus Avenue, when he observed flashing yellow lights. He peeked out the window and observed a fire truck. Witness 3 observed an individual (Subject 1) walking northbound on Lotus, "in a zombie-like state," wearing a bloodied shirt and carrying a knife in each hand. When two of the firefighters approached Subject 1, Subject 1 responded by walking toward them while wielding the knives in his hands. The firefighters retreated to their fire truck. Some of the neighbors exited their residence carrying baseball bats and began following Subject 1. Subject 1 turned suddenly and began walking south on Lotus Avenue. Officers arrived on both sides of the street and while standing approximately six to eight feet away, the officers repeatedly instructed Subject 1 to drop the knives. When Subject 1 refused and continued to approach the officers while still wielding the knives, one of the officers repeatedly fired his weapon in the direction of Subject 1. Witness 3 did not observe when Subject 1 fell to the ground because a parked van was blocking his view.

**Civilian Witness 4** stated that she was sitting in her bedroom, located at XXXX N. Lotus Avenue, when she heard a loud noise and then observed the reflection of flashing lights. Witness 4 walked to the front of her residence, observed a few neighbors standing on their porches and a fire truck on the block. Witness 4 also observed a

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bloodied male (Subject 1) pacing from the north end of the block to the south end of the block, through their grass, wearing only a tee shirt and boxer shorts. Subject 1's arms were at his side and he was carrying a bloodied knife in each hand. Two firefighters exited the fire truck holding "something." When Subject 1 walked in their direction, the firefighters ran back toward the fire truck, entered the same and drove south a few feet on Lotus. Two unknown Hispanic/males, one who was carrying a bat, walked up the block from the north and began to chase Subject 1. Immediately before the unknown males caught up to Subject 1, police officers arrived at the scene. The officers stopped several feet away from the Pantoja residence, opened their doors and yelled to Subject 1, "Drop your weapon. Drop your weapon." Subject 1 failed to comply and moved toward the officers. The officers continued to yell to Subject 1, "Put down your fucking knife. Drop it. Drop it." Subject 1 refused and continued to advance toward them. At that point, Witness 4 observed one of the officers repeatedly discharge his weapon in the direction of Subject 1. After Subject 1 was shot and fell to the ground, one of the officers put his foot on the knives and kicked them away from Subject 1.

**Civilian Witness 5** stated that she was in her house located at XXXX N. Lotus Avenue where she observed, through the front window, a barefoot and bloodied male (Subject 1). Subject 1 appeared to be "possessed or something" as he walked down the middle of the street, while carrying a knife in each hand. Witness 5 observed firefighters walking backward, away from Subject 1, toward their fire truck. A squad car pulled up and police officers exited the vehicle, pointed their guns at Subject 1, and instructed him to put the knives down. Subject 1 refused and walked toward the officers. When Subject 1 continued to ignore their orders to drop the knives, one of the officers fired approximately five times in the direction of Subject 1. One of the officers stepped on the knives to push them away. When Subject 1 attempted to get up from the ground, he was tasered.

**The related Arrest and Case reports, Battery – Aggravated: Knife/Cutting Instrument**, contain information that is consistent with the Summary of the Incident. Subject 1 was charged with five counts of Aggravated Battery of a Fireman/Volunteer and four counts of Attempt Murder/First Degree.

**The related Supplementary report**, identified additional civilian witnesses as Witness 6, Witness 7, Witness 8, Witness 9, Witness 10, Witness 11, Witness 12, Witness 13, Witness 14, Witness 15, Witness 16, Witness 17 and Witness 18. The involved CFD personnel were identified as Chicago Firefighters A, B, C, D and E and were interviewed. The involved CPD personnel were interviewed. The subject, Subject 1, was also interviewed.

**Civilian Witness 6** observed a bloodied Subject 1 chase a couple and firefighters while wielding two knives in his hands; heard police yelling at him and heard at least three gunshots.

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**Civilian Witness 7** observed a bloodied Subject 1 attack two women, and chase two firefighters while wielding two knives in his hands.

**Civilian Witnesses Witness 8 and his father, Witness 9** observed a bloodied Subject 1 walking in the middle of the street, wielding two knives in his hands and a firefighter walking backward, away from Subject 1, while stating words to the effect, “I think that he is going to charge me,” and then heard approximately five gun shots.

**Civilian Witness 10** observed Subject 1 attack two people on the street corner with a knife.

**Civilian Witness 11** observed Subject 1 behaving erratically in the hours prior to the shooting.

**Civilian Witness 12** observed Subject 1 confront two firefighters while holding a knife in each hand; the police arrive at the scene; heard someone repeatedly yell, “Put the knife down;” and heard approximately five shots fired.

**Civilian Witness 13** observed Subject 1 walking down the street wielding two knives in his hands, behaving erratically; police arrive at the scene; police repeatedly instruct Subject 1 to drop the knives; Subject 1 refuse and advance toward the police; police repeatedly fire upon Subject 1; Subject 1 fall to the ground and then repeatedly swing the knives he was holding in the direction of the police; and an officer taser Subject 1.

**Civilian Witness 14** observed firefighters running away from Subject 1 as he confronted them while holding a knife and heard approximately five gunshots.

**Civilian Witness 15** observed a bloodied Subject 1 attack a couple with a knife; chase an unknown citizen; walk toward two firefighters while holding a knife in each of his hands as the firefighters backed away from him; the police arrive at the scene; the police yell at Subject 1; and approximately four to five gunshots.

**Civilian Witness 16** observed a bloodied Subject 1 attack a couple with two knives; attempt to stab two firefighters with the knives; the police arrive at the scene and repeatedly instruct Subject 1 to drop the knives; the police fire in the direction of Subject 1; and Subject 1 fall to the ground.

**Civilian Witness 17** observed a bloodied Subject 1 confront two firefighters while holding two knives as they backed away while attempting to talk to him; the police arrive at the scene; the police yell at Subject 1; and then heard approximately two to three gunshots.

**Civilian Witness 18**, Subject 1’s roommate, observed Subject 1 behaving “differently” the day before the shooting. She did not witness the events that occurred on the date of the shooting.

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**Witness Chicago Firefighter A** stated that he and his fellow firefighters responded to a call of a “person cut” on the 2900 block of N. Lotus Avenue. Chicago Firefighter A exited the fire truck and observed a bloodied Subject 1 carrying two knives in his hands. Subject 1 chased Chicago Firefighter A around the fire truck. The police were called and Subject 1 approached the police upon their arrival, while still holding the knives. The police repeatedly instructed Subject 1 to drop the knives but he refused and aggressively approached them. An officer discharged his weapon, repeatedly striking Subject 1. Subject 1 immediately fell to the ground, but continued to swing the knives as an officer approached. An officer tasered Subject 1 and the knives were kicked from his hands. Chicago Firefighter A assisted the ambulance crew with providing medical treatment to Subject 1.

**Witness Chicago Firefighter B** corroborated the account of Chicago Firefighter A and stated that Subject 1 also chased him with the knives. Chicago Firefighter B heard approximately six gunshots but did not witness the actual shooting.

**Witness Chicago Firefighter C** corroborated the account of Chicago Firefighters A and B. To protect himself from Subject 1, Chicago Firefighter C exited the fire truck while carrying an axe. Subject 1 approached the police officers with the knives and was repeatedly fired upon. Despite being shot, Subject 1 attempted to stab the officers while he was lying on the ground.

**Witness Chicago Firefighter D** stated that he remained inside the fire truck and observed, via the fire truck’s rear view mirrors, Subject 1 holding the knives. He heard an officer repeatedly instruct Subject 1 to drop the knives and then heard several shots fired.

**Witness Chicago Firefighter E** corroborated the accounts of Chicago Firefighters A, B, C and D regarding the events that led to the shooting. When Chicago Firefighter E and the other firefighters initially observed the bloodied Subject 1, they offered him medical attention but he refused. Subject 1 refused to drop the knives and chased the firefighters, causing them to retreat back to the fire truck or to the surrounding parked vehicles. Chicago Firefighter E also observed Subject 1 fall to the ground after being fired upon and attempt to stab the officers while he was still lying on the ground.

**Involved Officer A**, corroborated the information contained in the Summary of Incident regarding the reason that he and his partner, Officer B, were at the scene. They were the first officers at the scene and observed that CFD Truck #58 was also at the scene. Officers A and B exited their vehicle to look for the firefighters. In doing so, they encountered a bloodied Subject 1, who was armed with a knife in each hand. Officer A approached the front of the Department vehicle as Subject 1 ignored repeated instructions to “Stop. Drop the knives. And get on the ground.” Officer A backed away from Subject 1 and continued to repeat the instructions. A non-compliant Subject 1 raised the knives and lunged toward Officer A. In fear of his life, and the life of Officer B, Officer A repeatedly fired upon Subject 1. Subject 1 fell to the ground but continued to wield the

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knives in the direction of the officers. Officer A instructed Officer C, Unit 025, who was one of several responding officers, to taser Subject 1. Officer C warned Subject 1 of the oncoming taser discharge and then tasered him. Subject 1 dropped one of the knives. Subject 1 dropped the second knife after he was tasered a second time. The knives were kicked away from Subject 1 who was then taken into custody and provided medical treatment.

**Witness Officer B, Unit 025**, corroborated the account of his partner, Officer A. Officer B additionally stated that Subject 1 was waving the knives around in his hands when he approached them. Subject 1 momentarily paused then raised the knives and aggressively charged at Officer A. Officer A immediately fired upon Subject 1, causing him to fall to the ground. When Officer B approached Subject 1 to check on his condition, he observed that Subject 1 was still holding the knives, and when he got to within five feet of him, Subject 1 swung his arm in an attempt to stab Officer B. Subject 1 was tasered twice before he relinquished each knife.

**Witness Officer C, Unit 025**, stated that he and his partner, Officer D, arrived at the scene as an assist unit. Upon arrival, Officer C heard some indistinguishable yelling and then observed Subject 1 lying on the ground, in a near fetal position, with a knife in each hand. Officer C observed Subject 1 refuse to comply with the repeated instructions of Officers A and B to drop the knives. Officer C tasered Subject 1 twice, on his back, at the direction of Officer A, before Subject 1 relinquished both knives.

**Witness Officer D, Unit 025**, corroborated the account of her partner, Officer C and stated that when they arrived at the scene, she clearly heard Officers A and B instruct Subject 1, who was lying on the ground, with a knife in each hand, to “Drop the knives.”

**Subject 1** stated that on the date of the shooting, he was depressed and unsuccessfully attempted to commit suicide inside his apartment at XXXX N. Lotus Avenue by cutting himself with a knife on his neck, wrists, and stomach. Subject 1 then thought to have the police shoot and kill him. In an effort to get the police to respond to the area, Subject 1 exited his residence, carrying two knives, observed an “older couple” walking down the street and stabbed the female (Witness 1). The male (Witness 2) with Witness 1 attempted to protect her and they both fell to the ground. As Subject 1 attempted to stab Witnesses 1 and 2, Witness 2 kicked him. When CFD personnel arrived at the scene Subject 1 approached the firefighters, armed with the knives, with the notion to stab the firefighters, in hopes they had a gun and would shoot and kill him. Subject 1 observed that one of the firefighters had an axe and was hoping the firefighter would kill him with the axe. Thereafter, two officers arrived at the scene and exited their SUV. The officers repeatedly instructed him to drop the knives. He refused to comply and told the officers to shoot him as he simultaneously charged them wielding the knives. One of the officers immediately fired upon Subject 1, causing him to fall to the ground. Subject 1 never lost possession of the knives when he fell and pretended to be hurt worse than he was and listened for the officers to approach him. Upon their approach, Subject 1 attempted to stab the officers in continued hopes that they would shoot and kill him.

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Subject 1 felt a shock through his body and then recalled being transported to the hospital.

The **Supplementary Case** was **CLEARED/CLOSED (Arrest and Prosecution)**.

The **Tactical Response Report (TRR)**, prepared by Officer A documents that Subject 1 posed an imminent threat of battery and used force likely to cause death or great bodily harm, while armed with two knives. Officer A responded with his presence, verbal commands and by discharging his firearm eight times upon Subject 1. The Watch Commander/OCIC Review of the TRR report, indicated that the actions of Officer A were justified and in compliance with Department policy.

The **Officer's Battery Report (OBR)**, documents that Officer A did not sustain any apparent injury during his contact with Subject 1.

The **Chicago Fire Department (CFD) Ambulance report** documents that Subject 1 was found lying in the street, in police custody. Subject 1 had sustained approximately six gunshot wounds to the legs and lacerations to the abdomen, left arm and neck. He also had taser wounds to the left back area. Officers at the scene informed CFD personnel that Subject 1 had been stabbed prior to their arrival and after their arrival, Subject 1 sustained a gunshot wound and was tasered. CFD personnel stabilized Subject 1, controlled his bleeding and transported him to the nearest trauma center, Illinois Masonic Hospital.

A **medical status update** documents that Subject 1 was in stable condition and sedated upon his arrival at Illinois Masonic Hospital.

Attempts to obtain the **medical records from Illinois Masonic Hospital** regarding the medical treatment that Subject 1 received were made, but met with negative results.

**Evidence Technician photographs** taken on 17 July 2011, depict the various scenes and surrounding areas; the knives that Subject 1 was armed with; and a hospitalized Witness 1 with a visible laceration to her arm.

The **Chicago Police Department Event Query and the Disc of transmissions from the Office of Emergency Management Communications (OEMC)** contains information that is consistent with the Summary of the Incident.

The **In-Car Camera video** depicts video footage that is consistent with the Summary of the Incident.

The **Illinois State Police Crime Lab report** documents that Officer A's weapon was examined and test fired. The weapon was fired and found to be in firing condition.



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**Blood and urine test results** documents that Officer A's blood alcohol level was .000 and that no foreign substances were discovered in his urine.

**In a statement to the IPRA, involved Officer A** provided an account that was consistent with the Summary of Incident and the account he provided to the detectives which was memorialized in the Supplementary report.

**In a statement to the IPRA, witness Officer B** provided an account that was consistent with the Summary of Incident and the account he provided to the detectives which was memorialized in the Supplementary report.

**In a statement to the IPRA, witness Officer C** provided an account that was consistent with the Summary of Incident and the account he provided to the detectives which was memorialized in the Supplementary report.

**In a statement to the IPRA, witness PO Putney** provided an account that was consistent with the Summary of Incident and the account that she provided to the detectives which was memorialized in the Supplementary report.

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**CONCLUSION AND FINDING:**

This investigation found that the use of deadly force by the involved officer was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order 03-02-03, Section 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 the first condition of the Chicago Police Department's deadly force policy. Officers A and B responded to a "10-1" radio call by CFD personnel. Upon arrival, Officers A and B came in contact with Subject 1 who was wielding two knives. When the police arrived, Subject 1 failed to comply with repeated orders of Officers A and B to "Stop. Drop the knives and get on the ground." Subject 1 lunged at the officers while wielding the knives in his hands. Officer A, in reasonable fear of his life, and the life of Officer B, fired upon Subject 1, striking Subject 1 in the legs. Even after falling to the ground and sustaining gunshot wounds, Subject 1 attempted to attack the officers with the knives – which he was still holding. It was not until Officer C repeatedly tasered Subject 1 that he relinquished the knives and taken into police custody. Based upon the totality of the circumstances surrounding the police involved shooting of Subject 1, Officer A was justified in using deadly force.