

**INDEPENDENT POLICE REVIEW AUTHORITY
LOG 1050626 U #11-57**

INVESTIGATION

NUMBER: Log #1050626 / U #11-57

OFFICERS

INVOLVED: “Officer A” (Chicago Police Sergeant); Male/White; 46 years old;
On- Duty; Full Uniform; Year of Appointment – 1992

“Officer B” (Chicago Police Officer); Male/White; 34 years old;
On- Duty; Full Uniform; Year of Appointment – 2003

“Officer C” (Chicago Police Officer); Male/Hispanic; 33 years old;
On- Duty; Full Uniform; Year of Appointment – 2001

“Officer D” (Chicago Police Officer); Male/White; 35 years old;
On- Duty; Full Uniform; Year of Appointment – 2002

OFFICER’S

INJURIES: None Reported

SUBJECT/

OFFENDER: “Subject 1”; Male/White; 55 years old

SUBJECT’S

INJURIES: Multiple gunshot wounds about the body and head. Transported by CFD
Ambulance 33 to Mount Sinai Hospital. Pronounced by Doctor A at 2040
hours.

INITIAL

INCIDENT: Call of a man with a gun at a CTA train station

DATE/TIME: 11 December 2011, 2003 hours

LOCATION: 2009 S. Western Avenue (CTA train station terminal)

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SUMMARY OF INCIDENT:

This investigation, in conjunction with information gained through the investigation initiated by the Chicago Police Department, revealed the following:

On 11 December 2011, at approximately 1956 hours several police officers responded to the CTA Pink Line Station, located at 2009 S. Western Avenue, on a call of a man with a gun. It was reported that the subject, Subject 1, white male, 55 years of age, entered the station and approached the security booth and spoke with Witness 1, the security guard. He asked Witness 1 for directions to Northwestern Hospital and, when asked if he had money, Subject 1 related that he had none and then became agitated. Subject 1 then proceeded to back away from the security booth, stood against the south wall of the station and eventually sat down against the same wall. He appeared to have a gun in his hand. It was reported that Subject 1 repeatedly pointed the gun in the air and hit himself several times about the head and chest with it. He also stated that he wanted to kill himself. Officer A arrived on the scene, crouched down outside of the station, and attempted to talk with Subject 1 in an effort to persuade him to drop his weapon and surrender. Approximately 15 minutes later, Subject 1 raised the gun above his head and then lowered it, pointing in the direction of officers on the scene. At that point, officers, who were approximately 30 feet away, opened fire, fatally wounding Subject 1. Officer A, Officer B, Officer D and Officer C were identified as the shooters. Subject 1 was transported to Mount Sinai Hospital where he was pronounced dead at 2040 hours.

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The **Chicago Fire Department (CFD) Ambulance Report** documents that CFD Paramedics 1 and 2 of Ambulance 33 responded to a call of a gunshot victim at 2009 S. Western on 11 December 2011, at approximately 2013 hours. It was noted in their report that Subject 1 sustained multiple gunshot wounds to his body. Upon their arrival, Subject 1 was found to be unconscious and unresponsive. He was then transported to the emergency room at Mt. Sinai Hospital.

In a **To/From Report, IPRA Investigator A** responded to Mt. Sinai Hospital and spoke with the attending physician, Doctor A, who stated that the patient, Subject 1 arrived with multiple gunshot wounds to the head, neck, and front and back of the body. He stated that the patient had no vital signs and after he performed CPR with no response, he pronounced the patient deceased. Doctor A reported he was able to recover two bullet fragments.

In the **Report of the Postmortem Examination** which was conducted by Doctor B of the Cook County Office of the Medical Examiner on 12 December 2011 reported Subject 1 died as a result of multiple gunshot wounds and the manner of death was homicide.

The **Tactical Response Reports (TRR'S)** completed by Officer A, and Officers B, C and D, documented that Subject 1 did not follow verbal directions, was an imminent threat of battery, and displayed and pointed handguns at responding officers. The officers responded with deadly force to neutralize the threat.

The **Officers Battery Reports** completed by Officer A, and Officers B, C and D documented that they did not sustain any physical injuries, but they were verbally threatened by Subject 1, who was armed with two handguns.

The **OEMC and PCAD reports** were assembled and made part of this case file. An analysis of these documents showed no information that was inconsistent with the facts as related by the involved officers or witnesses on the scene.

The **CPD Forensic Services Division Records (Crime Scene Procession Report, Video of Scene and Evidence Technician Photographic Records)** were obtained and incorporated into this investigation. Recovered on the floor near Subject 1 was a broken silver plastic toy pistol and a black plastic "Dianhuia 283 8 Shooter" toy pistol, both of which were swabbed for biological substances. Also inventoried were the weapons belonging to the involved officers, along with bullets, ammo magazines, expended shell casing and bullet fragments.

Illinois State Police Division of Forensic Services Reports document the examination of recovered ballistic evidence along with the firearms belonging to the involved officers. All weapons were test fired and found to be in firing conditions.

A **canvass** conducted in the vicinity of 2009 S. Western Avenue failed to produce any witnesses to the police-involved shooting.

In a statement with IPRA, **Witness 1** stated that he is an employee of the Star Detective

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Agency, which is a private security company which subcontracts with CTA. He stated that, at the time of the incident, he was assigned to the Western Pink Line station. Witness 1 stated that on the date of the incident, a white male in his late 50's walked into the station and stated that he wanted go to Northwestern Hospital so he wouldn't kill himself. He stated that the white male, now known as Subject 1, was calm at that moment and didn't have anything in his hand. Witness 1 asked Subject 1 if he had car fare and he said, "No." He then said, "Don't worry about it, I'm going to kill myself right here." He then walked away from the security booth a distance of approximately 10-15 feet away, and produced a gun from his right pocket and pointed it toward his mouth. Witness 1 stated that he called his controller and the controller summoned the police to that location. Before the police arrived, Subject 1 sat on the floor against the west wall of the station and repeatedly placed the gun barrel in his mouth while talking to himself. Several minutes later, a white male police officer came on the scene and asked Subject 1 what the problem was and if he could help him. Witness 1 stated that the officer spoke with Subject 1 for approximately 15 minutes in an effort to get him to put the gun down but he kept pointing it in the air and then to his mouth. He stated that several minutes later other officers showed up. Subject 1 continued for several minutes pointing his gun in the air and then to his mouth. He then produced a second gun from his left pocket. Subject 1 kept saying that he wanted to die and wanted to kill himself; he also asked the police several times to kill him. Subject 1 then pointed his gun at the officer trying to talk to him and, at that point, officers on the scene fired their weapons.

In a statement with IPRA, **Witness 2** stated that, at the time of the incident, he had come into the station with his girlfriend, Corrina Mortis, to put more money on his fare card at the kiosk. He stated that when he came into the station, he observed an older Caucasian male who was intoxicated and reeking of alcohol. Witness 2 stated that he heard the security guard in the booth repeatedly tell the Caucasian male to calm down. He stated that as he loaded money onto his fare card, his girlfriend alerted him to the Caucasian male putting a gun in his mouth. Witness 2 stated that his girlfriend became frightened, so they both left the station, walked across the street where they accessed the train station and then boarded a train. Witness 2 stated that he was not on the scene when the police arrived.

In a statement with IPRA, **Officer E** stated that he was nearby when he heard over the zone of a man with a gun in a CTA station. He stated that upon his arrival, he drove up to the front of the station and exited his vehicle with his gun drawn. Officer E stated that when he looked through the glass window, he observed a male seated on the floor against a wall and he matched the description of the individual given over the radio. He also saw a CTA employee in the booth. He stated that when he was observed by the man seated on the floor, the man raised a gun and placed it against his head. Officer E stated that he backed away and called for assistance. Moments later, Officer A arrived on the scene and began engaging the male in conversation. Officer E stated that, up until that point, he had his weapon trained on the man in the station, but as other officers arrived on the scene, he gave up his position to an officer with a rifle. He then returned to the driver's side of his vehicle and re-holstered his weapon. He stated that at that point, his view of the man was obstructed by a large column. Officer E stated that Officer A continued to engage the man in a conversation, but he could not hear what was being said. He then heard numerous shots and officer rushed into the station to secure the man. Officer E stated that he left the scene to follow the ambulance to the hospital on the orders of CPD Lieutenant A.

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In a statement with IPRA, **CPD Lieutenant A** stated that, after hearing the call of a man with a gun, he heard some of his units responding to the scene, so he began to get ready to respond to the scene as well. He stated that by the time he arrived on the scene, the shooting was over. He was advised that the offender had raised his weapon and pointed it at the officers on the scene.

In a statement with IPRA, **Officer F** stated that he and his partner, Officer G, responded to a call of a man with a gun. Upon their arrival to the scene, he observed numerous squad cars on the scene. He parked across the street from the CTA station and, as he approached, he could see Officer A in a crouched position at the doorway of the station. Officer A was giving verbal commands to the offender to drop his weapon, but the offender did not comply. He stated that from his position, he saw the offender inside the station and in his right hand was a black handgun that he was pointing at the ceiling. He then produced a chrome handgun with his left hand and leveled both weapons at Officer A. Officer F stated that he then heard shots being fired at the offender by officers on the scene.

In a statement with IPRA, **Officer G** provided a similar account to that of his partner, Officer F.

In a statement with IPRA, **Officer H** stated that he also responded to the call of a man with a gun along with his partner, Officer I. Officer H provided an account that was similar to that of Officer F.

In a statement with IPRA, **Officer I** stated that, upon his arrival at the scene, he drew his weapon and positioned himself next to Officer D. He stated that he too saw Officer A crouched at the doorway of the CTA station and asking the offender to drop his weapon; instead the offender asked Officer A to shoot him. He stated that he could see the offender in the station and he was pointing a gun to the ceiling. Moments later, the offender produced a second silver colored gun and he then began a countdown. Officer I stated that at one point he saw the offender cock the hammer on one of the guns and, as he started his count down, he slowly lowered both weapons in the direction of Officer A. Officer I stated that he then heard shots fired.

In a statement with IPRA, **Officer J** stated that, upon his arrival at the scene, he approached the CTA train terminal and was able to observe the offender seated on the floor against a wall inside the terminal with a gun to his head. He also observed Officer A crawl up to the entryway of the terminal and engage the offender in a conversation. Officer J stated that he heard Officer A ask the offender to drop the gun and the offender refused, stating that he was not going to drop his weapon. He heard the offender say that he was going to count to ten and then the police will have to shoot him. Officer J stated that moments later, he heard someone yell out that the offender had another gun and then he heard gunfire. Officer J stated that he was 25 to 30 away and he had taken cover when the gunfire started.

In a statement with IPRA, **Officer K** stated that, upon her arrival at the scene, she went to secure the perimeter at the rear of the CTA terminal but found it to be fenced and gated. She returned to the front of the building but due to the large police presence, she was unable to see the offender or the sergeant that was talking to the offender. Officer K then heard several shots.

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In a statement with IPRA, **Officer L** stated that she arrived on the scene with her partner, Officer C. She stated that as they approached the CTA station, she observed the offender seated on the floor against a wall inside the station and he had a black gun to his head. She observed Officer A attempting to talk to the offender and ask him to kick his gun over to him. Officer L stated that her partner took up a position behind a pillar near the doorway and she took up a position behind a brick wall. At one point, she saw the offender remove his gun from his mouth and place it to his temple. She stated that the sergeant continued to give verbal commands to the offender, but she was not close enough to hear any responses

In a statement with IPRA, **Officer M** stated that, upon his arrival at the scene, he approached the CTA station and he was able to see a white male seated on the floor with a gun to his head. He also saw Officer A attempting to talk to the subject through the partially opened door. Officer M stated that he heard Officer A order the offender to drop his weapon and kick it over to him, but the offender refused and stated that he wanted the police to kill him. He stated that the offender then stated that he would countdown from ten and then he was going to point his gun at Officer A. Officer M stated that as the offender began his countdown, he produced another handgun and leveled both of them at Officer A. At that point Officer A discharged his weapon at the offender.

In a statement with IPRA, **Officer A** stated that, on 11 December 2011, he was on routine patrol when he heard a call of a man holding a gun to his head. The call was given to an officer working alone, so he went to assist. Upon his arrival to the CTA station at 2009 W. Western, he observed the one officer that arrived there first and had taken cover behind a pillar. Officer A stated that he maneuvered around to get a glimpse of the subject and he was able to see a white male in his 50's, seated on the floor against a wall in the lobby area of the station, and he had a gun in his mouth. He also observed a CTA employee in the booth of the station. Officer A stated that he crawled over to the door of the station and began to engage the individual now known as Subject 1, in a conversation. He stated that he asked Subject 1 to drop the gun and Subject 1 related that he wanted to kill himself. He refused to drop the gun and he asked Officer A to shoot him. Officer A stated that he told Subject 1 that he was not going to shoot him and asked him again to just drop his gun and kick it over to him so that they could talk about it. Subject 1 then told Officer A that he had a second gun and on the count of 10 he was going to shoot Officer A. Officer A stated that Subject 1 began his countdown and then leveled both his guns at Officer A. At that point, Officer A discharged his weapon 13 times until he saw that the threat was eliminated. Officer A stated that other officers that were positioned behind him discharged their weapons as well, but, at the time, he did not know who then they were. He then holstered his weapon and secured the scene.

In a statement to IPRA, **Officer B** stated that when he drove up, he observed Officer A engaged in a conversation with a man that was holding a gun to the side of his head. He stated that he could hear some of Officer A's conversation, but could not hear any of the responses from the man inside the station. Officer B stated that he positioned himself approximately 20 feet away and, as the man pointed his gun in the air, he displayed another gun and leveled both guns at Officer A; it was then that he made the decision to discharge his weapon at the offender. Officer B stated that he discharged his weapon six times.

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In a statement to IPRA, **Officer C** stated that he was dispatched to a call of a man with a gun at a CTA station and, upon his arrival, noted there were already officers on the scene. He observed a sergeant giving verbal directions to a man to put his gun down. The man was seated on the floor of the CTA lobby and stating that he was going to kill them all and he wanted to shoot all those on the scene. Officer C stated that he was positioned 20 to 30 feet away and he could see the man pointing a gun to his head, then to the ceiling and back to his head. He stated that the man produced a second gun and when he pointed it at him, he discharged his weapon. When asked how many times he discharged his weapon, he stated that he thought maybe 6 to 8 times but it was later discovered that he fired 15 times.

In a statement to IPRA, **Officer D** stated that, upon his arrival at the scene, he positioned himself approximately 10 feet away from the station and he watched as Officer A engaged the man that was seated on the floor of the station. The man had a gun pointed at his head and he threatened to shoot Officer A. Officer D stated that the man also pointed his gun at the ceiling, then to his mouth and then to his head, as Officer A tried to calm him down and continued to ask him to put his gun down. Officer D stated that the man then began a count down and, as he began to lower his weapon, he produced a second gun. The man then pointed both at Officer A and was at that point that Officer D discharged his weapon. They all then entered the station to secure the offender.

CONCLUSION AND FINDING:

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This investigation found that the use of deadly force by Officer A, Officer B, Officer C and Officer D was in compliance with Department policy and Illinois State statutes.

According to the Chicago Police Department's General Order No. 02-08-03, III:

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 to cause death or greatly bodily harm;
 - 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 attempted to calm and persuade Subject 1, who appeared determined to commit suicide at the hands of the police. Officer A exhausted all efforts to eliminate the threat by trying to persuade Subject 1 to disarm himself and allow officers on the scene to provide him with the help and assistance needed to defuse the situation and provide remedies to resolve his apparent mental health issues.

Based on the totality of the circumstances, the actions of Officer A, and Officers B, C and D were reasonable to prevent death or great bodily harm to the officers and citizens on the scene. This use of deadly force was justified.