

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1050919 U #11-58

INVESTIGATION

NUMBER: Log #1050919/U #11-58

INVOLVED OFFICER #1: "Officer A" (Chicago Police Officer); Male/Hispanic; 33 years old; On-Duty; Full Uniform; Year of Appointment – 2010

OFFICER #1's INJURIES: None reported

INVOLVED OFFICER #2: "Officer B" (Chicago Police Officer); Male/Hispanic; 33 years old; On-Duty; Civilian Dress; Year of Appointment – 2006

OFFICER #2's INJURIES: None Reported

INVOLVED OFFICER #3: "Officer C" (Chicago Police Officer); Male/Hispanic; 40 years old; On-Duty; Civilian Dress; Year of Appointment – 2007

OFFICER #3's INJURIES: None Reported

SUBJECT: "Subject 1", Male/Black; 24 years old

SUBJECT'S INJURIES: Fifteen (15) gunshot wounds to the body; Fatal

SUBJECT'S WEAPON: Armed with an 11.5 inch knife with a 7 inch blade

LOCATION: 9544 South Avenue L, Chicago, IL. 60617

DATE/TIME: 28 December 2011, at approximately 0146 hours

TIME OF IPRA NOTIFICATION: 0228 hours

TIME IPRA ARRIVED ON SCENE: 0325 hours

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SUMMARY OF INCIDENT:

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

On 28 December 2011, at approximately 0142 hours, officers responded to a call of a man with a knife. It was reported the man was holding family members hostage inside of the residence at 9544 South Avenue L, #3. When officers arrived, they encountered the subject, now known to be Subject 1, just inside the doorway, on the third floor of the building. Subject 1 was holding a knife and refused to comply with the verbal commands. Officers A, B, and C all gave Subject 1 verbal commands to drop the knife. Subject 1 refused and demanded the officers drop their firearms. Subject 1 told the officers they were going to have to kill him. Subject 1 had previously stabbed a subject inside the residence, prior to the officer's arrival. Subject 1 was highly intoxicated at the time of the incident. Subject 1 raised the knife with his right hand above his head and took a step towards the officers. The officers' justification for discharging their firearms at Subject 1 was that they were in fear for their lives and the lives of the other individuals in the residence. A bloodied knife with a seven-inch blade was recovered. Witness accounts corroborate, in essence, the version of events described by the involved officers. Subject 1 died on the scene from the injuries he sustained.

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The **IPRA Preliminary Report** essentially related the same information as reported in the Summary of Incident of this report. (Att. #4)

According to the **Department Reports** (HT649832), the involved officers responded to an incident at 9544 South Avenue L, #3, Chicago, IL 60617, on 28 December 2011 at 0142 hours. The reports documented, in essence, the same information provided in the summary of incident section of this report. The suspect, Subject 1, was listed in reports as being involved in Aggravated Domestic Battery, two counts of Aggravated Assault and Kidnapping. (Att. 10)

The **Tactical Response Report (TRR)**, of Officer B documents that Subject 1 did not follow verbal direction, attacked with a weapon and used force likely to cause death or great bodily harm. Officer B responded with member presence, verbal commands, and the discharge of his firearm seven times. (Att. #6)

The **Officer's Battery Report (OBR)** for Officer B documented he was on-duty in civilian dress when he responded to a domestic disturbance. Officer B was assaulted with a knife or cutting instrument when Subject 1 attempted to stab him and his partners. Officer B received non-fatal, minor injuries during the incident. (Att. #7)

The **Tactical Response Report (TRR)** of Officer A documents that Subject 1 did not follow verbal direction, attacked with a weapon and used force likely to cause death

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or great bodily harm. Officer A responded with member presence, verbal commands, and the discharge of his firearm four times. (Att. #8)

The **Officer's Battery Report (OBR)** for Officer A documented he was on-duty in civilian dress when he responded to a domestic disturbance. Officer A was assaulted with a knife or cutting instrument when Subject 1 attempted to stab him and his partners. Officer A did not receive any apparent injuries during the incident. (Att. #7)

The **Tactical Response Report (TRR)**, of Officer C documents that Subject 1 did not follow verbal direction, attacked with a weapon and used force likely to cause death or great bodily harm. Officer C responded with member presence, verbal commands, and the discharge of his firearm. The report also related that the distance between Officer C and Subject 1 was zero to five feet when he discharged his firearm six times. (Att. #15)

The **Officer's Battery Report (OBR)** for Officer C documented he was on-duty in civilian dress when he responded to a domestic disturbance. Officer C was assaulted with a knife or cutting instrument when Subject 1 attempted to stab him and his partners. Officer C received non-fatal, minor injuries during the incident. (Att. #16)

This incident occurred inside a residence, therefore there was no need for a **canvass** of the location of incident.

The **OEMC** and **PCAD Reports** illustrate how the incident was initiated with a call to 911 and the information the responding officers received (Atts. #11-13)

At approximately 0201 hours, a 911 caller requested police service at 9544 South Avenue. The caller, who was later identified as Witness 1, told dispatchers that his "brother"¹ had a knife and was not allowing anyone to leave the residence. When asked by the dispatcher, the caller indicates that the "brother" may have mental health issues. The following provides an excerpt of the call:

Caller:	Yes could I get a police officer 9544 South Avenue L
Dispatch:	9544 Avenue N?
Caller:	L.
Dispatcher:	L. What happened?
Caller:	My brother... he's got a knife in the house and he's not letting anyone outside.
Dispatcher:	Okay.
Caller:	Could you send the police officer (inaudible)
Dispatcher:	What's your name"

¹ Witness 1, who resided at 9544 South Avenue L at the time of the incident, identified himself as the brother of Subject 1. However, Witness 1 is not his biological brother.

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Caller:	Witness 1.
Dispatcher:	What is it?
Caller:	Witness 1.
Dispatcher:	Is that a house or an apartment?
Caller:	Apartment. Apartment 3.
Dispatcher:	Apartment 3? How old is your brother?
Caller:	25.
Dispatcher:	Is he a psyche patient or somethin'?
Caller:	Yeah.
Dispatcher:	Okay. Take medicines?
Caller:	Yeah.
Dispatcher:	Okay. All right look for the police 9-5-4-4-South Avenue L.
Caller:	They need to be, they need to be here like right now.
Dispatcher:	Okay I'm sendin' it over sir. Watch out for the police.

(Att. #52)

The OEMC Dispatcher dispatched officers to the location and provided the following information:

we have a person with a knife ... 9-5-4-4 South Avenue Lincoln ... 9-5-4-4 South on Avenue Lincoln ... Witness 1, says his 25 year old disturbant older brother he has some mental issues ... he's holding his family inside at ... uh ... knifepoint.

(Att. 64)

The **Crime Scene Processing Reports** documented the crime scene at 9544 South Avenue L, Apt #3 and the pickup of the deceased body at the morgue. The reports documented photographs that were taken and evidence that was collected at the scene and at the morgue. (Att. 55)

There were no **Police Observation Devices (PODs)** located, relative to this incident.

Evidence Technician (ET) Photographs depict photographs of the scene and of Subject 1. (Att. #32)

Morgue Photographs depict photographs of Subject 1. (Att. #58)

The **Inventory List Reports** documented items that were recovered from the scene and from Subject 1. A 12" Super Chef Knife with a 7" blade was recovered and

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inventoried. The involved members' firearms were also inventoried as a standard procedure in an officer-involved shooting. (Att. #56)

The **Chicago Fire Department Ambulance Report** documented that Ambulance 50 responded to 9544 South Avenue L, for a gunshot victim on 28 December 2011 at 0148 hours. The report documented the subject was shot numerous times, was DOA, and there was no transport to the hospital by Ambulance 50. (Atts. 54)

The **Postmortem Examination² Report** documented the body of Subject 1 was examined on 28 December 2011 at 0930 hours by Deputy Chief Medical Examiner Mitra Kalelkar, MD. The report noted that Subject 1 approximate weight was 169 pounds, and height was approximately 5'9". The report documented a total of fifteen gunshot wounds to the body. The opinion of Dr. Kalelkar was that Subject 1 died as a result of multiple gunshot wounds and the manner of death was Homicide³. (Atts. #17, 51)

The **Detectives Supplemental Report** documented in essence the same information provided in the summary of this report, the departmental reports and the information provided by the Involved Officers and witnesses. (Atts. #44, #45)

Illinois State Police Forensic Science Laboratory Reports (ISP) documented the officer's weapons and the fired and unfired cartridges. A knife was also turned over to ISP for further processing⁴ if necessary. (Atts. #48-50)

A **Diagram**, not drawn to scale, of this incident completed by Inv. depicts the layout of the apartment where events took place. The diagram provides a rough approximation of the locations of the involved officers and the family members, when the incident took place based on the preliminary investigation conducted at the scene. According to the diagram, the room in which the shooting took place was approximately 14' 5" x 14' 10" in area. (Att. #59) Photos of the room also show that the room contained several large pieces of furniture, a couch and small bed, and was cluttered with clothing and other personal items. (Att. 32, pages 62-65)

A **civil lawsuit** was filed relating to this matter; *ATG Trust Company v. Cabral, et al.* 12 C 5275 on July 3, 2012. No depositions were taken in that matter and the Plaintiff voluntarily dismissed the lawsuit on March 27, 2014. (Att. 68)

In a statement to IPRA, on 28 December 2011, **Witness 2** stated that she was sleeping in the dining room when she was awakened by noise and arguing coming from the kitchen. Witness 2 heard her brother, Subject 1, and a Neighbor arguing in the kitchen. Witness 2 believed the argument was over money that was owed to Neighbor. Witness 2 did not go into the kitchen because it sounded like the men were wrestling. Subject 1 and Neighbor then relocated to the living room area of the apartment and

² IPRA Investigator was present during the Postmortem Examination.

³ Photographs of the Postmortem Examination were also obtained and included in this file.

⁴ No additional testing appeared to be conducted on the knife.

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Subject 1 picked up a helium tank and started to threaten to hit Neighbor on his head with it. Witness 2 went to the living room and attempted to calm Subject 1 down; however, he became angrier. According to Witness 1, Subject 1 was highly intoxicated and had been drinking vodka for several hours. Witness 2 believed that everyone in the residence was trying to hide from Subject 1. Witness 2 described how Subject 1 pulled a bed in front of the doorway and stated, “nobody leavin’, everybody’s gonna die.” Then Subject 1 put on a hoodie and retrieved a knife from the kitchen. Witness 2 exited the bedroom in an attempt to leave the residence with her son. However, Subject 1 prevented her from doing so when he placed the knife to her stomach and stated, “I got my first victim.” Witness 2 stated that everyone was able to flee from the residence except for her oldest brother, and Witness 3, her mothers’ husband. According to Witness 2, when her oldest brother attempted to leave, he and Subject 1 bumped heads and pushed each other. During this physical altercation, Subject 1 cut the oldest brother with the knife. Witness 2 stated that she instructed Witness 1, a family friend, who was also present in the apartment to call the police.

Witness 2 stated that three male police officers arrived a short time later. When the officers entered the apartment, one of them positioned himself behind a door and the other officer stood at the front door. Subject 1 was positioned between a heater and a couch. Witness 2 relocated to the front door of the apartment and stood behind one of the officers. Witness 2 stated that her oldest brother and Witness 3 were present when the officers entered the apartment but did not describe their locations in the apartment when the officers entered. Witness 2 indicated that the officers instructed Subject 1 to put the knife down and Subject 1 stated, “You put yours down, your weapon down.” Subject 1 then stated to the officers, “I ain’t puttin’ down nothin’! Ya’ll gotta take me.” Witness 3 heard one of the officers say that he had a Taser and another officer state, “I have a good shot.” Witness 2 stated that Subject 1 then “stomped” his foot, raised the knife, and then officers started shooting. Witness 2 ran towards Subject 1 and the police grabbed her and took her outside to a police car. Witness 2 felt that the police should have shot Subject 1 in the leg and the officers didn’t need to kill him. (Att. #40)

In a statement to IPRA, on 28 December 2011, **Witness 3** recalled that he was sleeping when Subject 1 and a male subject he knows as Mr. Jones⁵ entered the residence. According to Witness 3, Subject 1 and Mr. Jones had been drinking all day. At some point, Subject 1 attempted to fight with Mr. Jones. Witness 2 tried to break up the fight, but was unsuccessful. The fighting between Subject 1 and Mr. Jones continued to escalate. Subject 1 grabbed a butcher knife and refused to put it down. Witness 3 stated, “Subject 1 went crazy with the knife” and wouldn’t let anyone in the house leave. According to Witness 3, Witness 2’s oldest brother tried to get Subject 1 to calm down despite the fact that he had been cut by Subject 1 and was bleeding. Witness 3 recalled that the police were then called and arrived a short time later. According to Witness 3, the police shouted at Subject 1, demanding that he drop the knife. But, Subject 1 refused to drop the knife and raised the knife up with his right hand. Witness 3 then heard

⁵ Mr. Jones is no relation to Witness 3.

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gunshots. After the shots were fired, Witness 3 recalled overhearing one of the officers saying that he [Subject 1] shouldn't have taken a step towards them. Witness 3 did not see the officers discharge their firearms. However, he heard approximately four to five gunshots. According to Witness 3, he felt threatened by Subject 1 before the officers shot him. Witness 3 stated, "I don't like it but uh you can't run up on police with knives or guns." (Att. #42)

In a statement to IPRA, on 28 December 2011, witness **Neighbor** stated that he owns rental units in Chicago and sometimes has Subject 1 help him with jobs around his properties. During the evening leading up to the incident, Subject 1 was helping Neighbor move some items from one of his properties. According to Neighbor, he related after they were finished moving the items, he and Subject 1 bought some alcohol and then he took Subject 1 back to his residence. Neighbor continued to finish up some errands then, at some later time, met back up with Subject 1 and others where they were drinking and having a good time. According to Neighbor, later during the night, Subject 1 kept asking to use his car; but Neighbor refused because Subject 1 did not have a driver's license. Neighbor gave Subject 1 money to go purchase some marijuana. According to Neighbor, Subject 1 never returned with the drugs or his money, so Neighbor went looking for Subject 1 at his residence. The two drank and listened to music in the kitchen. According to Neighbor, Subject 1 suddenly confronted Neighbor physically putting his fist in Neighbor's face and pushing on him. Subject 1 grabbed Neighbor and pushed him down onto the floor. Neighbor stood up and attempted to leave and Subject 1 stated, "naw you ain't goin', I'm gonna kill you." When Neighbor saw Subject 1 grab a butcher knife from the kitchen, he ran into another room where other individuals were attempting to hide from Subject 1. According to Neighbor, one of the men in the house, Witness 4, called 911 and ran out of the house. Neighbor stated that, when Subject 1's brother tried to get him to calm down, Subject 1 stabbed him in the arm with the knife. Shortly thereafter the police arrived and were yelling for Subject 1 to drop the knife. However, Subject 1 refused to do so. Neighbor saw Subject 1 bring up the knife and make a sudden move. Neighbor recalled hearing three to four gunshots. Neighbor believed that Subject 1 was highly intoxicated when the incident occurred. Neighbor believed the officers gave Subject 1 plenty of opportunity to drop the knife prior to discharging their weapons. (Att. #43)

In a statement to IPRA, on 28 December 2011, **Witness Officer** stated that, on 28 December 2011, she was working in full uniform, on Beat 433R, with Officer A. Witness Officer and her partner responded to a call alleging that a man with a knife was holding his family hostage. According to Witness Officer, when they arrived, she heard lots of commotion and screaming coming from the third floor of the building. Witness Officer observed a man holding a child in the stairwell on the first floor. Witness Officer stopped momentarily and instructed the man to take the child out of the building. Witness Officer stated that Officer A proceeded up the stairwell of the building ahead of her and arrived on the third floor a few seconds prior to her. Witness Officer heard the two officers who were already on the scene and Officer A yelling for someone to "drop the knife." According to Witness Officer, when she arrived at the top of the stairs,

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Officer C had his back to her in the doorway and she was unable to make entry. Witness Officer was able to see inside of the residence momentarily. Witness Officer observed a black male inside the residence holding a knife. Seconds later, Witness Officer, who remained on the landing, heard multiple gunshots. Witness Officer then observed a black female in a white shirt out of the corner of her eye. The black female ran towards the man who had a knife. Witness Officer was then able to enter the residence and observed the black female on top of the male who originally had the knife. Witness Officer grabbed the female, who was screaming, placed her in handcuffs, and removed her from the scene, to ensure her safety and that of her partners. When Witness Officer placed the female in a squad car, she learned that the female was Witness 2, the sister of the man who had been shot. Witness Officer did not observe the actual shooting and did not see which officers discharged their weapons. (Att. #41)

In a statement to IPRA, on 29 December 2011, Involved **Officer A** stated that, on 28 December 2011, he was working in full uniform, on Beat 433R, with Witness Officer. According to Officer A, they responded to a call of a man with a knife. The OEMC dispatcher informed the officers that the man was holding his family hostage. Upon their arrival, Officer A heard officers yelling, "Drop the knife." Officer A ran up the stairs and observed Officer C and Officer B standing in the doorway. After taking a tactical position, Officer A observed the subject, now identified as Subject 1, holding a butcher knife with blood on the blade. Officer A gave verbal commands to Subject 1 to drop the knife. Subject 1 replied, "I'll fuckin' kill ya," "You drop your gun!" Officer A stated Subject 1's demeanor appeared to be angry and aggressive. Officer A related Subject 1 then lunged at him with the knife over his head⁶. Officer A discharged his firearm four times at Subject 1. Officer A stated he did not have a Taser on his person at the time of the shooting. Officer A called "Shots fired by the police" over OEMC. Officer A stated Officer B approached Subject 1, who was now lying on the floor, and kicked the knife away from him. Officer A related Officer B called for an ambulance over OEMC. Officer A did not recall observing any other individuals inside the residence at the time of the shooting. Officer A felt he used the force needed to stop the threat at the time of the incident. (Atts. #28, #37)

In a statement to IPRA, on 29 December 2011, Involved **Officer C** stated that, on 28 December 2011, he was in plain clothes and working Beat 406E, with Officer B. While Officer C and his partner were on patrol, they heard an OEMC call of a man with a knife, holding a family hostage. According to Officer C, he and his partner were only a few blocks away and responded to the location of the call. When they arrived, Officer C observed numerous people outside the building that were pointing in the direction of the residence and were indicating that there was a fight. Officer C heard a lady yelling, "They're upstairs, he's gotta knife, he's gotta knife. He's holding my family hostage, he's gotta knife!" Officer C stated Officer B used his shoulder to force entry through the doorway of the residence and then they entered. Officer C observed a toddler sitting on the floor upon entering the residence. Officer C picked up the toddler and handed him

⁶ Officer A related that Subject 1 was approximately three feet from him when he discharged his firearm.

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off to an adult male, who took him outside. Officer C recalled that there was a lot of screaming and yelling occurring. Officer C followed Officer B into the room where the screaming was occurring. They observed a male subject, now identified as Subject 1, holding a knife⁷ in his right hand. Officer C heard Officer B state, "Drop the knife, drop the knife!" Officer C heard Subject 1 state, "Fuck you! You drop your gun, you drop your gun, fuck you!" According to Officer C, Subject 1 was very irate. Officer C then observed that there was blood on the knife that Subject 1 was holding. Officer C stated Subject 1 was waiving the knife from side to side, at approximately waist level. Officer C observed Officer A and Witness Officer arrive on scene. Officer C saw Officer A take a position between himself and Officer B. Officer C recalled that all three officers were pointing their firearms at Subject 1. Subject 1 attention then focused on Officer A and Subject 1 stated, "Fuck you, drop your gun or I'm gonna, I'm gonna kill you mother fuckers!" Officer C stated Subject 1 raised the knife up over his head, in his right hand, and suddenly took a step forward and lunged at the officers. According to Officer C, the officers in the apartment "opened fire" upon Subject 1 each discharging their firearms multiple times. Officer C saw Subject 1 fall to the ground with the knife still in his right hand. Officer C observed Officers B approach Subject 1 and then kicked the knife out of his hand. Officer C heard Officer B call for an ambulance and announce "shots fired by the police" over to OEMC over the radio. Officer C believed that the use of force was necessary to stop the threat Subject 1 was posing against him, his partners and the other individuals in the residence. (Atts. #26, #38)

In a statement to IPRA, on 29 December 2011, Involved **Officer B** stated that, on 28 December 2011, he was in plain clothes and working Beat 406E, with Officer C. Officer B stated while he and his partner were on patrol, they heard an OEMC call of a man with a knife, holding a family hostage and responded from a short distance away. Officer B and his partner were the first unit on scene. Officer B and his partner spoke to the neighbors outside who stated that there was commotion coming from their neighbor's residence. Officer B and his partner entered the building and proceeded up the stairs to the third floor. As the officers got closer to the third floor apartment, they noticed a young child approximately three or four years old sitting on the stairs. Officer C moved the child out of harms way by picking him up and taking him down the stairs and passing him off to an unknown individual. Officer C then returned and he and Officer B attempted to gain entry to the residence when they discovered that the door was barricaded by a shopping cart, which prevented them from making an immediate entry. Officer B used his shoulder to gain entry inside the apartment by pushing on the door until he was able to force the shopping cart out of his way. Officer B continued to advance inside of the residence. Upon entry, Officer B observed a man holding a knife just inside of the first room they entered standing to his right. Officer B observed that the knife was in the man's right hand. Officer B positioned himself next to a piece of furniture to the left of the entryway. Officer B gave the male subject, now identified as Subject 1, numerous verbal commands to drop the knife and to not approach the officers. Officer B stated Officer A joined them in the room and positioned himself between

⁷ Officer A estimated that the blade of the knife was five to six inches long.

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Officer C and himself. According to Officer B, the officers continued to give Subject 1 verbal commands. Officer B saw Subject 1 turn the knife in a backhanded grip, raise the knife near his head and take a step towards the officers. When Subject 1 came within approximately two feet from the other officers, Officer B discharged his firearm numerous times at Subject 1. According to Officer B, he believed that there was no other option, when he discharged his firearm. Officer B stated that he used the force necessary to stop Subject 1 from hurting or killing one of his partners. Officer B stopped firing his weapon when he observed Subject 1 fall to the floor. Officer B approached Subject 1 and kicked the knife out of his hand. Officer B stated that he called for an ambulance and a supervisor over OEMC. (Att. #39)

None of the involved officers had a Taser in their possession at the time of this incident. In his statement, Officer A related that when he arrived on the scene, Officer C, who was already on the scene, asked him if he had a Taser. Officer A informed Officer C that he did not have a Taser. (Att. #37)

Additional information was obtained from Inv. regarding the positioning of the involved officers. A diagram was included in the file and it is labeled as attachment #59. (Att. #59)

CONCLUSION AND FINDINGS:

Based on the totality of the facts and circumstances, the R/I finds that there is sufficient evidence to prove that each of the involved officers, Officer A, Officer C, and Officer B, was reasonable in his belief that Subject 1 posed an immediate threat to his safety. The R/I finds that each of the officers' use of deadly force was objectively reasonable and within policy as outlined by the Use of Force Model; the Illinois State Statute; and the Chicago Police Department's General Order 03-02-03, 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 C and his partner, Officer B responded to a radio call stating that a man, with mental issues, was holding his family inside at knifepoint. When they arrived to the area in question, they exited their vehicle and entered the three flat building. Both Officers then walked up several stairs to the third floor apartment, where they were approached by an unknown individual that informed them that Subject 1 had a knife and was holding his family hostage. Both officers attempted to gain entry into the apartment and were successful after Officer B used his shoulder to force the door open. Once inside the apartment, Officers C and B found themselves in a relatively small, cluttered room, facing a man of approximately 169 pounds and approximately 5'9" in height, who they were told might have mental issues, armed with a knife. Officer C and Officer B gave Subject 1 verbal commands to drop the knife, but he failed to comply. Soon thereafter, Officer A entered the apartment and joined Officers C and B in demanding that Subject 1 drop the knife, but he failed to comply. Witnesses 2, 3, and Neighbor all recount that Subject 1 was armed with a knife and refused to put it down. Moreover, these witnesses

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also recounted that Subject 1 had already stabbed an individual in the residence, refused to let the residents leave, and threatened to kill them, which corroborates that Subject 1's demeanor was threatening. More specifically, each of the three civilian witnesses recalled that, in response to demands to drop the knife, Subject 1 stated something to the effect of "I'm not putting down shit." According to Officer C, Subject 1 made a verbal threat, specifically, "I'm gonna kill you motherfuckers." According to Officer C, he saw Subject 1 raise the knife and lunge toward Officer A. This is corroborated by the civilian witnesses, who each recall seeing Subject 1 raise the knife above his head and step in the direction of the officers. Officer C, who was standing in a tactical position approximately 0-5 feet away from Subject 1, discharged his weapon six times at Subject 1.

Based on the totality of the circumstances, Officer C was reasonable in his belief that his life and the lives of the other officers and individuals in the residence were in danger when the officers found themselves in relatively small and cluttered space with Subject 1, who refused to put the knife down, made verbal threats toward the officers, and came towards the officers in a threatening manner.

Officer B, who was also standing approximately 5 to 10 feet away from Subject 1, witnessed the same series of events as his partner. Officer B entered the apartment and positioned himself next to a piece of furniture after he observed Subject 1 holding a knife. Officer B gave Subject 1 verbal commands to drop the knife but he failed to comply. Officer B recalled that Subject 1 stated something to the effect of "You put yours down", "Fuck you." According to Officer B, Subject 1's demeanor was threatening as he raised the knife and began to lunge in the direction of Officer A. Officer B discharged his weapon at Subject 1 seven times.

Based on the totality of the circumstances, Officer B was reasonable in his belief that his life and the lives of the other individuals in the residence were in danger when Subject 1 refused to put the knife down, made verbal threats toward the officers, and came towards the officers in a threatening manner.

Officer A and his partner Witness Officer also responded to the radio call regarding a man, possibly with mental issues, who was holding his family hostage at knifepoint. When they arrived to the area in question, Officer A exited his vehicle, entered the building and went up to the third floor apartment. Witness Officer remained on the stairs of the building to make sure no one else entered the premises. Upon entering the apartment, Officer A observed Officer C standing by the front door and Officer B standing in the living room area. Officer A took up a tactical position between Officers C and B. Officer A joined Officers C and B in giving verbal commands to Subject 1 to drop the knife that he was wielding. Officer A also observed that Subject 1 refused to follow verbal commands. Officer A discharged his weapon four times at Subject 1.

Based on the totality of the circumstances, Officer A was reasonable in his belief that his life and the lives of the other officers and individuals in the residence were in

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danger when Subject 1 refused to put the knife down, made verbal threats toward the officers, and came towards the officers in a threatening manner.

The evidence in this investigation shows that the involved officers reasonably believed that Subject 1 presented an imminent risk of death or bodily harm to the officers and other individuals in the residence.