

INDEPENDENT POLICE REVIEW AUTHORITY
U# 12-23 / LOG 1056391

INVESTIGATION

NUMBER: Log #1056391 / U #12-23

OFFICER

INVOLVED #1 “Officer A” (Chicago Police Sergeant); Female/Black; 42 years old; On-Duty; Full Uniform; Year of Appointment – 1993

**OFFICER’S
INJURIES:**

None Reported

SUBJECT:

“Subject 1”; Male/Asian; 20 years old

**SUBJECT’S
WEAPON:**

kitchen style knife, 3”blade, black handle

**SUBJECT’S
INJURIES:**

One (1) Gunshot wound to right hip, treated at Northwestern Hospital.

**DATE/TIME
OF INCIDENT:**

30 August 2011, 1315 hours

LOCATION:

99 S. LaSalle

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SUMMARY OF INCIDENT:

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

On 18 August 2012, between 0143 and 0148 hours, a subject now known as Subject 1 called 911 four times and informed the dispatcher that he intended to commit an act of Terrorism. Subject 1 explained to the dispatcher that he was going to purposely crash his car into another vehicle, and then attack the responding emergency personnel.

Within minutes, Subject 1 used his 1996 Nissan Maxima to strike another vehicle at the intersection of LaSalle and Monroe. Witness 8, who is employed as a security guard and was dressed in her security uniform, stopped to assist the persons involved in the traffic crash.

Subject 1 exited his vehicle armed with a 3" kitchen knife, approached Witness 8, and stabbed her in the upper back.

Officer A was the first CPD officer on scene, and found Subject 1 in the intersection, waving the knife and shouting, "I am a terrorist, shoot me in the head!"

Officer A announced her office and instructed Subject 1 to drop the knife. Subject 1 instead began to aggressively approach Officer A, waving the knife and continuing to issue threats. Officer A drew her weapon and began to move backwards as Subject 1 approached. Officer A issued multiple commands for Subject 1 to drop his knife, which he (Subject 1) ignored.

Though Officer A continued to tactically retreat Subject 1 was able to get within striking distance of Officer A, while still waving the knife in an aggressive manner. After issuing a final verbal warning, Officer A fired a single shot from her service weapon, striking Subject 1 in the right hip.

Officer A then handcuffed Subject 1 and requested medical assistance and additional police units.

The incident was witnessed by multiple persons, and each witness would later provide a consistent account of the event which clearly identified Subject 1 as an armed assailant. Said witnesses all related that Officer A's actions were reasonable and necessary to defeat the threat of serious injury or death to both Officer A herself, and the numerous citizens within close proximity.

Additionally, portions of this event, to include the firearm discharge itself, were captured via cell phone video. An analysis of the video shows Officer A's actions were within departmental policy regarding the use of deadly force.

INVESTIGATION:

Attempts to interview Subject 1 proved negative. Through his counsel, Subject 1 declined to provide a statement to IPRA.

The **Department Reports** list Subject 1 as the offender in this event and detail that he was charged with Aggravated Assault against a Police Officer, Aggravated Battery, and Attempted Murder. The reports further indicate that Subject 1 was shot by responding CPD Officer A. The Departmental reports are consistent with the summary within this report, the statements provided by the witnesses, and the statement of Officer A.

The Medical Records of Subject 1 were obtained from Northwestern Hospital. Said records indicate that Subject 1 received one gunshot wound to his right hip and that the bullet exited the right buttock at mid-level. Subject 1 was disorderly and combative with attending medical personnel. Subject 1 was treated and evaluated prior to being released to police custody.

The **Tactical Response Reports (TRR'S)** completed by Officer A documented that Subject 1 "did not follow verbal direction," was an "imminent threat of battery," "attacked with weapon," and "used force likely to cause death or great bodily harm" with a "weapon." Officer A responded with "member presence," "verbal commands," and the use of her "firearm".

The Officers Battery Report completed by Officer A documented that she did not receive any type of injury; though Subject 1 issued verbal threats and was armed with a knife.

The OEMC and PCAD reports were collected and made part of this case file. An analysis of said documents shows no information that is inconsistent with the facts as related by the involved Sergeant or the independent witnesses.

It is noted that there is at least one OEMC Transmission where a male caller calling from the phone number belonging to Subject 1, informs the dispatcher, "Be Alert! This is a terrorist from the United States of America!"

IPRA Investigators responded to the scene, and conducted interviews with multiple witnesses. In audio recorded statements to IPRA Witness 1, Witness 2, Witness 3, Witness 4, Witness 5, Witness 6, Witness 7, and Witness 8 all related essentially the same details.

All of the independent witnesses to this event related that Subject 1 exited his vehicle after being involved in a traffic crash at LaSalle and Monroe. The witnesses reported that Subject 1 attacked and stabbed Witness 8, and then subsequently confronted Officer A as she arrived on scene.

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All of the independent witnesses confirm that Officer A clearly issued multiple commands for Subject 1 to drop the knife, which he (Subject 1) ignored. All of the witnesses confirmed that Officer A was backing away from Subject 1 as he (Subject 1) continued to approach her, brandishing his knife and issuing verbal threats against her.

All of the independent witnesses related that Officer A fired one shot at Subject 1, which was necessary and reasonable for Officer A to defeat the threat that Subject 1 posed.

It is noted that there is no physical or testimonial evidence that refutes the statements provided by the involved officer.

Video evidence was recovered in this investigation. Most notable is the cell phone video captured by Witness 5, which was turned over to IPRA and CPD investigators, and is made part of this case file.

Said video shows Subject 1 brandishing an item now known to be a knife in his right hand as he approaches Officer A in an aggressive manner. Officer A can be heard issuing verbal commands for Subject 1 to drop the knife. Officer A tactically retreats from the advancing Subject 1 as she continues to issue commands. The video shows that Subject 1 continues his advance until he is within striking distance of Officer A. At that time in the video Officer A fires one shot from her weapon. The video shows Subject 1 fall to the ground after being struck.

Illinois State Police Forensic Science Laboratory Reports document the examination of the recovered ballistic evidence in comparison to the firearm belonging to Officer A. It was determined that the shell casing recovered at the scene of this event was fired from Officer A's SIG Sauer 9mm pistol, serial #119867.

In an audio recorded statement to IPRA, Officer A related the facts concerning her involvement in this event in a manner consistent with the Departmental Reports, the statements of the witnesses, and the Summary contained within this report.

Officer A stated that she reported to the intersection of LaSalle and Monroe after being informed of a traffic accident at that location. Upon her arrival Officer A learned that one of the vehicle occupants was in possession of a knife and was threatening onlookers.

Officer A related that she observed Subject 1 walking in circles, threatening to stab persons nearby. Officer A did not initially draw her weapon, as she attempted to speak with Subject 1 first in an effort to persuade him to drop the knife.

Officer A related that Subject 1 advanced upon her in an aggressive manner. Officer A related that she drew her weapon and began to back away from Subject 1 as she issued him verbal commands to drop the knife. Officer A related that she became fearful for her safety and the safety of those nearby, and pulled the trigger of her weapon.

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Officer A related that her weapon misfired, forcing her to rack the slide of her pistol and chamber a new round.

Officer A related that she continued to back away from the advancing Subject 1 as she issued verbal commands for him to drop the knife. Officer A related that, still in fear for her life and those around her, she fired her weapon, striking Subject 1.

Officer A related that she then handcuffed and secured Subject 1, and summoned medical assistance and additional police personnel.

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A, was **Justified** and in compliance with Chicago Police Department policy and Illinois State statutes. According to 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."

This investigation shows that on 18 August 2012, Subject 1 launched a plot to purposefully crash his vehicle in a major downtown intersection and then harm the responding emergency personnel.

Subject 1 stabbed a responding security officer moments before Officer A arrived. Upon confronting Subject 1, Officer A observed that he was in possession of a knife and was threatening to stab multiple citizens in the vicinity of the intersection.

Officer A attempted to verbally defuse the situation, but was advanced upon by Subject 1. Officer A attempted to create a tactical advantage by backing away from the attacking Subject 1, while also issuing clear commands for him (Subject 1) to drop the knife.

Subject 1 continued his attempted assault, while swinging his knife in an aggressive manner. Having no other options and in defense of her life and those of others present, Officer A fired her service weapon one time, striking Subject 1 in the right hip.

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Evidence Technician photographs documented the scene and the gunshot wound to Subject 1. The photographs are consistent with the information officers related in their statements.

Multiple independent witnesses were identified; all accounts are consistent with the statement supplied by Officer A.

Cell phone video captured the critical component of this event, that being the aggressive advancement of Subject 1, the tactical retreat of Officer A, and the eventual firearm discharge. The video has been viewed and is consistent with the statements provided by the witnesses and Officer A.

Officer A was in compliance with the statute “to prevent death or great bodily harm to the sworn member or to another person” because she reasonably believed her life was in danger when Subject 1 approached her in an aggressive manner while armed with a knife. The reports document that there was a high likelihood that Officer A was in danger of “great bodily harm” described in the statute if Officer A did not stop the threat on her life, by discharging her weapon.