

INDEPENDENT POLICE REVIEW AUTHORITY

Log# 1058420 / U# 12-44

INVESTIGATION

NUMBER: Log# 1058420/U# 12-44

INVOLVED OFFICER #1: “Officer A” (Chicago Police Officer); Female/Black; 30 years old;
On- Duty; In Plainclothes; Year of Appointment – 2007

INJURY: Graze wound to the left calf area; transported to Trinity Hospital.
Non-Fatal

INVOLVED OFFICER #2: “Officer B” (Chicago Police Officer); Male/White; 37 years old;
On- Duty; In Plainclothes; Year of Appointment – 2006

INJURY: None reported

INVOLVED OFFICER #3: “Officer C” (Chicago Police Officer); Male/Spanish; 37 years old;
On- Duty; In Plainclothes; Year of Appointment – 2000

INJURY: None reported

INVOLVED OFFICER #4: “Officer D” (Chicago Police Officer); Male/Black; 33 years old;
On- Duty; In Plainclothes; Year of Appointment – 2006

INJURY: None reported

INVOLVED OFFICER #5: “Officer E” (Chicago Police Officer); Male/Black; 40 years old;
On- Duty; In Plainclothes; Year of Appointment – 1995

INJURY: None reported

INVOLVED OFFICER #6: “Officer F” (Chicago Police Officer); Male/White; 30 years old;
On- Duty; In Uniform; Year of Appointment – 2009

INJURY: None reported

SUBJECT: “Subject 1”; Male/Black; 20 years old

INJURIES: Several GSWs about the face and body. Fatal.

INITIAL INCIDENT: Robbery – Armed: Knife/Cutting Instrument

**DATE/TIME
OF INCIDENT:** 14 November 12, 2345 hrs.

LOCATION: 7900 South South Shore Drive, Beat# 0422

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SUMMARY OF INCIDENT:

Upon responding to a robbery in progress, Officers F and H arrived at the parking lot of South Shore Food and Liquor at 7900 South Shore Drive. There they observed Subject 1 stabbing [Stabbing Victim]. On verbal command from the officers, Subject 1 dropped the knife with which he was stabbing [Stabbing Victim], but then fled the scene on foot, running westbound on 79th Street. After running a short distance (approximately to the intersection of 79th Street and Coles Avenue), Subject 1 turned and confronted the officers, who were by that time joined by Assisting Officers A, B, C, D, E, and G. Subject 1 then wielded a metal hammer, which officers ordered him to drop. Subject 1 did not comply with that order, but continued to brandish the hammer and swing it at various officers, beginning with Officer B, who deployed his Taser, only one probe of which struck Subject 1, yielding no apparent effect. Despite continued orders to drop the hammer, Subject 1 continued to swing the hammer at officers. As his aggravated assault continued, Officers A, B, C, D, E, and F discharged their weapons striking Subject 1, who was pronounced dead at the scene. One Department member (Officer A) was taken from the scene for medical treatment of a gunshot wound.

INVESTIGATION:

The narrative section of the **Case Supplementary Report**, as with all finally approved editions of the Supplementary Report and Original Case Incident Report, stated only that a knife and a hammer were located at the scene of the incident.

The **Tactical Response Report** and **Officer's Battery Report** submitted by Officer A indicated that Subject 1 did not comply with verbal commands and posed an imminent threat of battery with a hammer at a level of force likely to cause death or great bodily harm, at which time Officer A discharged her firearm once at Subject 1 at a range of five-to-ten feet. Officer A stated that Subject 1 attacked or struck possibly as many as eight (8) officers with a blunt instrument (hammer). Officer A also reported that she sustained a non-fatal injury during the incident.

The **Tactical Response Report** and **Officer's Battery Report** submitted by Officer B indicated that Subject 1 did not comply with verbal commands and posed an imminent threat of battery with a hammer at a level of force likely to cause death or great bodily harm, at which time Officer B first deployed his Department issued Taser, which had no apparent affect on Subject 1. Officer B then discharged his firearm four times at Subject 1 at a range of five-to-ten feet. Officer B stated that Subject 1 attacked or struck possibly as many as eight (8) officers with a blunt instrument (hammer). Officer B sustained no apparent injury.

The **Tactical Response Report** and **Officer's Battery Report** submitted by Officer C indicated that Subject 1 did not comply with verbal commands and posed an imminent threat of battery with a knife and a hammer at a level of force likely to cause death or great bodily harm, at which time Officer C discharged his firearm ten (10) times at Subject 1 at a range of five-to-ten feet. Officer C stated that Subject 1 attacked or struck possibly as many as eight (8) officers with a blunt instrument (hammer). Officer C sustained no apparent injury.

The **Tactical Response Report** and **Officer's Battery Report** submitted by Officer D indicated that Subject 1 did not comply with verbal commands and posed an imminent threat of battery with a hammer at a level of force likely to cause death or great bodily harm, at which time Officer D discharged his firearm seven (7) times at Subject 1 at a range of five-to-ten feet. Officer D stated that Subject 1 attacked or struck possibly as many as eight (8) officers with a blunt instrument (hammer). Officer D sustained no apparent injury.

The **Tactical Response Report** and **Officer's Battery Report** submitted by Officer E indicated that Subject 1 did not comply with verbal commands and posed an imminent threat of battery with a hammer at a level of force likely to cause death or great bodily harm, at which time Officer E discharged his firearm one (1) time at Subject 1 at a range of five-to-ten feet. Officer E stated that Subject 1 attacked or struck possibly as many as eight (8) officers with a blunt instrument (hammer). Officer E sustained no apparent injury.

The **Tactical Response Report** and **Officer's Battery Report** submitted by Officer F indicated that Subject 1 did not comply with verbal commands and posed an imminent threat of battery with a knife and a hammer at a level of force likely to cause death or great bodily harm,

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at which time Officer F discharged his firearm one (1) time at Subject 1 at a range of five-to-ten feet. Officer F stated that Subject 1 attacked or struck possibly as many as eight (8) officers with a blunt instrument (hammer). Officer F sustained no apparent injury.

The **Tactical Response Report** and **Officer's Battery Report** submitted by Officer H indicated that Subject 1 did not comply with verbal commands and posed an imminent threat of battery with a hammer at a level of force likely to cause death or great bodily harm. Officer H stated that Subject 1 attacked or struck possibly as many as eight (8) officers with a blunt instrument (hammer). Officer H sustained no apparent injury.

The **Tactical Response Report** and **Officer's Battery Report** submitted by Officer G indicated that Subject 1 did not comply with verbal commands and posed an imminent threat of battery with a hammer at a level of force likely to cause death or great bodily harm. Officer G stated that Subject 1 attacked or struck possibly as many as eight (8) officers with a blunt instrument (hammer). Officer G sustained no apparent injury.

A series of **Event Query** reports generated from the Office of Emergency Management and Communication's Police Computer Assisted Dispatch service recorded a sequence of actions that reflects data contained in the preliminary investigation.

Various **Evidence Technician Photographs** were taken of the scene. These images displayed various perspectives of a victim and also of Subject 1, as he lay prostrate on the pavement approximately in the center of the intersection of 79th Street and Coles Avenue, spent shell casings at the scene, parked vehicles that sustained gun shots, a hammer on the pavement, a Taser, a knife, and various perspectives of the residential area at the scene.

A **video surveillance recording** from South Shore Food & Liquor displayed: a subject attacking a victim in a parking lot; at least two onlookers apparently trying to distract the subject from his victim and also flagging down a squad car as it approached the scene; officers arriving and approaching the subject; the subject running from the parking lot with officers pursuing on foot.

A recording taken from **POD #678** displayed images of the scene after the incident, including Subject 1 prostrate on the pavement, unmoving, and then paramedics arriving and attending to him.¹

Ambulance Reports stated that Subject 1 was unresponsive, with multiple gsw to the head, chest and back, that he was "asystole, pulseless and apnic" and "obvious DOA." [Stabbing Victim] was ambulatory, but displayed a stab wound to the right hip with minimal bleeding. Although [Stabbing Victim] said he sustained a blow to the head with a hammer, he displayed no obvious neurological deficits.

¹ A recording taken from this device was entered as Attachment 45, but was recorded twenty-four hours after the incident and displayed no image relevant to the investigation.

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The report from the **Cook County Medical Examiner** revealed that Subject 1 died from multiple gun shot wounds causing damage to internal organs, no one of which could be identified as directly and uniquely fatal. The toxicology report was negative.

Medical records obtained from **Trinity Advocate Hospital** revealed that Officer A was admitted to the emergency department with a “graze wound to right lateral lower extremity measuring approximately 1.5x2.5 cm.” A “tiny metal particle” was found lodged in the wound. Officer A, however displayed “normal knee flexion and extension” Further observation indicated that Officer A displayed “no focal neurological deficit” that she was observed to have normal speech, mood, judgment, motor and coordination functions.

Drug and Alcohol Testing authorized and conducted by the **Internal Affairs Division**² determined that all officers who were so tested were free of the influence of any controlled substance at the time of the incident.

In his interview, **Civilian Witness 1** stated that at the time of the incident he was working as the security guard at South Shore Food & Liquors. He said that at one point the store’s cashier and the store’s manager exited the store and that the cashier returned saying someone was attacking the manager outside the store. Witness 1 exited the store and saw an attacker (nka Subject 1) having forced the manager to the ground on his stomach, kneeling over the manager and putting the point of what appeared to be a kitchen knife to the manager’s back. Witness 1 drew his .38 Caliber revolver and warned Subject 1 to leave the store manager alone. Witness 1, however, did not discharge his firearm at Subject 1 for fear of perhaps striking the store manager instead. The store owner came out to the parking lot and Subject 1 requested the keys to the manager’s vehicle. When he found that the keys did not work he became more agitated and, holding the manager in a headlock, forced him to the ground and struck him with a hammer. Witness 1 also reported that while Subject 1’s speech was clear and not slurred or garbled, his utterances were not coherent in that they did not make sense. Inside the store the cashier called for police. First two, then four and eventually as many as ten officers arrived at the scene. Subject 1 left the store manager in the store’s parking lot and fled the scene out onto 79th Street. There he was surrounded by officers who repeatedly ordered him to drop the hammer he was wielding at them. He charged one officer, swinging the hammer at the officer’s head. The officer’s partner deployed a Taser at Subject 1, missing him. Subject 1 then charged other officers attempting to strike them with the hammer. After refusing to obey numerous commands to cease his aggressive activity and to drop his weapon, and continuing to charge at the officers while swinging the hammer at them, police opened fire. Subject 1 stood for a moment in front of the officers and then collapsed to the ground.

In her interview, **Civilian Witness 2** stated that she was working as the cashier at South Shore Food & Liquor. She exited the store with the store manager to go to his car and retrieve her headphones, which she had left in his car the night before. An unknown subject (nka Subject 1) then approached the manager and appeared to threaten him with a weapon of some kind that appeared to have an orange handle. Witness 2 then returned to the store to alert the store’s security guard. Witness 2 then called 9-1-1 and when she went outside again she saw Subject 1 push the store manager up against the back of the manager’s vehicle while holding a knife to the

² nka the Bureau of Internal Affairs

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manager's neck. Witness 2 went back inside as she saw police arrive. She did not hear or see any shots fired. She only knew shots were fired when the store's security officer returned with the manager, who was bleeding. The security officer informed Witness 2 that officers shot Subject 1.

In his interview, **Civilian Witness 3**, proprietor of South Shore Food & Liquor, stated that he observed his nephew, [Stabbing Victim], submitting to an aggravated battery by Subject 1. When police arrived Subject 1 then became combative toward officers, who announced their office and provided Subject 1 with ample opportunity to comply with their verbal commands.³ Witness 3, standing fifteen yards away, observed Subject 1 attack one officer. A Taser was then deployed at Subject 1 with no effect. Witness 3 then saw Subject 1 attack two officers, at which point numerous officers discharged their firearms at Subject 1, who then "dropped to the ground."⁴ Witness 3 further stated that the mother of Subject 1 came to his store the following day and "apologized." Witness 3 informed Subject 1's mother about the incident and told her that her son refused safety and that the police "did give him an opening."⁵

In her interview, **Civilian Witness 4** stated that she observed Subject 1 lying in the street for a total of thirty-eight or forty minutes without any medical attention being sought for him. Her neighbor, [Witness 4's Neighbor], also stated that Subject 1 lay in the street with officers standing over him for thirty or forty minutes to an hour without medical attention and that Subject 1 lifted his head up from the pavement twice during that time.⁶

In his interview, **Witnessing Officer G**, Beat# 463E, stated that he and his partner, Officer C, arrived at the scene and observed Subject 1 stabbing [Stabbing Victim] with a knife as [Stabbing Victim] lay on the ground. Officers C and G issued verbal commands to Subject 1 to stop. Subject 1 fled the scene on foot with officers in pursuit. At about that time another car arrived, carrying Officers A and B. When Officer B exited his vehicle Officer G heard, but did not observe, the discharge of a Taser. At that point Subject 1 attacked Officer B with a hammer. Officer B then seemed to fall back as if struck by the hammer. Officer G next heard gunfire, at least six shots. Subject 1 continued westbound along 79th Street. Officer G then heard numerous more gunshots. Officer G said that he did not discharge his weapon, saying that other officers were in what would have been his line of fire, and he did not want to jeopardize their safety by firing. At that point Officer G observed Subject 1 proceed around the back end of one of the other officers' vehicles and then fall face-first to the ground. At that time Officer A announced that she was shot. Officer G then took Officer A to Trinity Hospital. Officer G stated that with Subject 1's actions of stabbing [Stabbing Victim] while he lay on the ground, and attacking Officer B with a hammer as well as placing other officers in jeopardy, that the officers had no

³Witness 3 said he feared Subject 1 would flee and evade capture. Witness 3 said that he was "shocked" that the officers were exercising so much "patience" by not taking any direct and immediate action, waiting instead, for what seemed to Witness 3, an unnecessarily extended amount of time for Subject 1 to respond to their verbal commands. (Transcript of "Statement of Witness 3", pages 13, 16, 20 et al)

⁴ *Id.*, page 16

⁵ *Id.*, page 20

⁶ While the scene described by both these witnesses seemed dramatically graphic as they related their memory of the incident, their versions do not corroborate either with the POD video of the scene, in which Subject 1 is not seen raising his head at any time, or with the ambulance report that indicates paramedics tended to Subject 1, whom they determined "DOA", five minutes after they were dispatched to the scene and approximately seven minutes after officers discharged their weapons at Subject 1.

choice but to use deadly force in dealing with the threat posed by Subject 1.

In his interview, **Witnessing Officer H**, Beat# 421R, stated that his partner, Officer Stephen Woods, and he exited their vehicle and observed the Subject 1 crouched over [Stabbing Victim], who lay on the ground as Subject 1 thrust a knife down at him. Officer H drew his weapon and told Subject 1 to put down the knife. Subject 1 put down the knife but then wielded a hammer, holding his arms up with the hammer in his right hand. Officers continued to tell Subject 1 to drop the hammer. Subject 1 then ran northbound onto 79th Street. Officer H then observed an unmarked police vehicle approach the scene from the west on 79th Street. At that point, with all other officers on the scene focused on Subject 1, Officer H holstered his weapon and tended to [Stabbing Victim], who had approached him, bleeding from the head. While he was assisting [Stabbing Victim], Officer H heard, but did not see, a Taser deploy. Officer H then went to secure his police vehicle. As he returned to continue providing assistance to [Stabbing Victim], Officer H heard approximately five gun shots. Then, within “probably a second or two,”⁷ Officer H heard multiple gunshots, more numerous than the initial five gunshots. At that point Officer H used his radio to call for an ambulance for [Stabbing Victim]. Officer H did not see either series of gunshots; he only heard them. Officer H concluded, given Subject 1’s action of thrusting a knife on a victim and not heeding officers’ verbal commands, that Subject 1 placed all officers at the scene in danger of receiving “great bodily harm, or even death.”⁸ And that the officers were, therefore, justified in using deadly force in responding to the threat posed by Subject 1.

In his **interview**, **Involved Officer D**, Beat# 6724B, stated that he arrived at the scene with his partner, Officer E, immediately after Officers A and B arrived. Officer D observed other officers at the scene and Subject 1, standing on 79th Street near Coles Avenue, holding a hammer in his right hand. Officers were calling to him to drop his weapon. Officer D drew his weapon and also gave that verbal command to Subject 1. Officer B deployed a Taser on Subject 1, who then swung the hammer at Officer B. Officer B fell back and at that point Officer D discharged his weapon once at Subject 1. Subject 1 then turned in the direction of Officers D and E and went toward them. The officers were standing one on either side of their unmarked Impala. Subject 1 began running toward Officer E. Officer D then fired once at Subject 1, to protect Officer E. Subject 1 then ran around the Impala and appeared to be about to continue west along 79th Street, then turned and ran east toward Officer D, with the hammer up in a striking position. Officer D noted that Subject 1’s eyes were opened very wide. As Subject 1 approached to a vicinity of approximately five feet from Officer D, Officer D, standing upright and with no opportunity to take cover or execute any evasive action to avoid Subject 1 striking him with the hammer, discharged his weapon four or five times. Officer D heard other officers discharging their weapons at that time, but he did not know who fired, or how many rounds were discharged. Officer D then saw Subject 1 on the ground and did not recall seeing Subject 1 falling. Officer D then kept his gun out and went toward Subject 1, who was bleeding and unresponsive, but still held the hammer in his right hand. Officer D then went to assist Officer A, who announced she had been hit.

In his **interview**, **Involved Officer F**, Beat# 421R, stated that he and his partner, Officer

⁷ Officer H, page 34, line 9.

⁸ *Id.*, page 47, line 16.

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H, heard a call for service regarding an offender holding a victim at knife point in a parking lot. Another dispatch report stated further that the offender might also be armed with a gun. Arriving at the scene, Officer F observed Subject 1 over the victim, stabbing the victim. Officers F and H exited their vehicle, drew their guns and repeatedly ordered Subject 1 to drop his knife. They approached to within ten feet of Subject 1, and as they moved closer, Subject 1 stabbed the victim in the leg and in the side while looking at the approaching officers. Officer C and his partner then also ordered Subject 1 to drop the knife. Subject 1 replied that if the officers did not back away he would keep stabbing the victim, which he then continued to do. Then at one point Subject 1 dropped the knife and quickly ran, first northbound from the parking lot onto 79th Street, and then westbound along 79th. He then suddenly stopped in the middle of the street, turned and produced a hammer and began to verbally threaten the officers, saying that if they continued to approach him he would attack them with the hammer. Officer F was in the lead of officers pursuing Subject 1. Officer C was nearby to Officer F's left. Other officers then joined from behind with their guns drawn and continued to issue verbal commands such as "Drop the weapon." And "It doesn't have to be like this."⁹ Subject 1 remained focused, his eyes opened very wide, as he stared at the officers, continuing to threaten to attack them with the hammer. He moved toward the officers, who then backed up while continuing to order Subject 1 to drop his weapon. Then Subject 1 turned and ran westbound on 79th Street. The officers followed him at a distance as more police vehicles arrived from the west, beginning to surround and contain Subject 1. Officers A and B were in the first of those cars to arrive at that point. Officers pursuing Subject 1 on foot then arrived near the front of Officer B's car. Officer B exited his vehicle and deployed his Taser on Subject 1. Officer F stood approximately ten feet behind Subject 1 as Officer B deployed the Taser at Subject 1, who was still running. Subject 1 spun around, away from Officer B's car. One of the Taser prongs struck him and one missed. Subject 1 pulled the Taser prong from what appeared to be his shoulder area. He then raised the hammer and lunged at Officer B, swinging the hammer down at the officer. Officer F's line of sight was partially impeded by Officer B's vehicle at that point, but he saw both Subject 1 and Officer B go down and only Subject 1 returned to a standing position. Officer F then feared that Subject 1 had struck Officer B, severely injuring him. Officer F then heard about four or five shots being fired, followed by many more shots within about a ten-second period. Because of his proximity to Subject 1, Officer F decided to back up for his own safety. At that point he saw Subject 1 proceed first southbound, then northbound toward the other officers. He appeared to be struck once or twice by officers' bullets. He then proceeded southbound toward Coles Avenue. At that point Subject 1 was in Officer F's direct line of fire with no other officers near him. Officer F then fired one shot at Subject 1. Other officers began converging on Subject 1, entering Officer F's line of fire as they did so, at which point, Officer F refrained from discharging his firearm any further. Subject 1 turned westbound, swinging the hammer wildly. Other officers fired at him. Again Subject 1 appeared to be struck about two times. He then turned southbound again, still holding the hammer high in the air and still swinging it as he continued to lunge at officers in his path. Officers continued to issue verbal commands to which Subject 1 apparently paid no heed. At that point Officer F holstered his weapon as Subject 1, having received several gunshots by that time, closed in on the other officers just as the shooting stopped. Subject 1 then fell forward onto the pavement. Officer F then heard Officer Alder report that she had been struck, and officers went to her aid. Subject 1 still held the hammer as he lay face down in the street. An officer, whom Officer F did not identify, kicked the hammer away from Subject 1's hand.

⁹ Officer F, page 26, lines 9-14.

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Officer F stated that Subject 1 consistently displayed aggressive, combative behavior, causing bodily harm to one citizen as well as verbally threatening and physically attempting to inflict the same on officers at the scene. Officer F asserted that after Officer B deployed his Taser there were no other force options available to eliminate the threat posed by Subject 1's presence at the scene.

In his **interview, Involved Officer C**, Beat# 463E, stated that he and his partner, Officer G, heard a call for service, robbery in progress a person with a gun at 79th and South Shore. Arriving at the scene, Officer C observed a person with a knife (Subject 1) kneeling on top of another person ([Stabbing Victim]), who was down on the ground in a fetal position. Subject 1 said something and then stabbed [Stabbing Victim]. At that time Officer C drew his weapon and ordered Subject 1 to drop the knife. Subject 1 stated something else, inaudible, and stabbed [Stabbing Victim] again, apparently somewhere on the right side between the ribs and hip. Officer C could hear others shouting at Subject 1 to drop his knife, but he could not tell who was shouting at that time. Subject 1 then dropped the knife, then rose to his feet, grabbed a hammer apparently from the ground somewhere near [Stabbing Victim] and then ran northbound from the parking lot up to 79th Street and then westbound on 79th. Officer C ran after Subject 1 until at one point Subject 1 stopped and turned around to face Officer C, saying words to the effect of, "What? You want a piece of me? You want some of this?"¹⁰ and then appeared ready to charge at Officer C while holding the hammer high in his right hand, apparently preparing to strike the officer with it. Subject 1 was about ten feet away from Officer C at that point. Officer C then raised his gun and pointed it at Subject 1 and ordered him to drop the hammer. Subject 1 did not drop the hammer, but instead began to walk backward. Then Officer C observed Officer B's car arrive from behind Subject 1. Officer B exited his vehicle with a Taser in hand, ready to deploy. Just after Officer B deployed the Taser, Subject 1 turned around and the Taser seemed to have no effect on him. Subject 1 then ran toward Officer B, swinging the hammer at Officer B's head, at a distance of less than three feet. Officer C saw Subject 1 swing the hammer once at Officer B, at which point Officer B began falling back and down. Subject 1 then swung the hammer a second time. Officer B was then down behind the trunk of his unmarked squad car, out of Officer C's line of sight. Officer C then gave a verbal command to stop, which Subject 1 did not heed. Officer C then took aim and discharged his weapon five or six times at Subject 1 from a distance of between five and ten feet. Officer C believed that one or more of the rounds that he discharged made contact with Subject 1, but Subject 1 continued to run westbound along 79th Street. Officers D and E then arrived in an unmarked Chevrolet Impala. Subject 1 then ran past those officers and around their squad car and Officer C continued to pursue Subject 1 on foot, calling out to Subject 1 to stop, as other officers were also doing at that time. Subject 1 then turned as he ran, continuing to run but then in the opposite direction, eastbound. Officer C said he saw muzzle flashes during this time but was not sure who was firing. Suddenly Subject 1 stopped running and stood facing eastbound at the officers who had been chasing him. He then raised his hammer again and appeared about to rush at the officers. At that point Officer C thought that, having inflicted bodily harm on [Stabbing Victim] and having attempted to do so on Officer B, Subject 1 was about to charge at officers in front of him. With this in mind, Officer C, with no one in his line of sight except Subject 1, discharged his weapon at Subject 1 four or five times from a distance of approximately ten or fifteen feet. Subject 1 then fell to the ground. Officer C then saw an officer kick the hammer from Subject 1's hand. Officer C did not see who the officer was

¹⁰ Officer C, page 25, lines 7-8, and page 27, lines 7-9.

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as he was busy at that point calling on his radio to request a supervisor and an ambulance to the scene. At that point his attention is also diverted toward Officer A who had just announced that she had been shot. Officer C stated that verbal commands and a Taser were not effective in causing Subject 1 to cease and desist from inflicting, or attempting to inflict, fatal or grievous bodily harm to others present and that deadly force was justified in eliminating the threat posed by Subject 1 during the incident.

In his **interview, Involved Officer E**, Beat #6724A, stated that he arrived at the scene with his partner, Officer D. As the officers exited their car, Officer E saw another car ahead of theirs, from which Officer B exited. Officer E heard many shouted commands to drop a weapon as he observed Subject 1, wielding a hammer, charging at Officer B and swinging the hammer several times at the officer. Officer B then reeled back, raising his left arm and reaching for his Taser. Officer E also had his weapon drawn at this point and also shouted at Subject 1 to drop the hammer. Officer B then deployed the Taser, at which point Subject 1 turned from Officer B and began to charge at Officer E, who then discharged one round from his weapon at Subject 1. Officer E then heard several other shots being fired. He stepped aside then as Subject 1 ran past him and proceeded westbound along 79th Street. Subject 1 then stopped, turned and began running toward the officers. Officer E noticed that Subject 1's eyes were opened very wide as he seemed to be charging again toward Officer B. At that point Officer E heard several gunshots and then observed Subject 1 begin to fall forward as the shooting stopped. Subject 1 fell face-first on the ground, moved briefly and was then still. Shortly after the shooting stopped, Officer E heard Officer A announce that she had been shot. Officer E called for an ambulance on his radio, saying there was an officer shot and offender shot at the scene. Officer E did not see what happened with the hammer that Subject 1 had been wielding. The next time Officer E looked to where Subject 1 lay on the pavement, he appeared to be handcuffed.

In his **interview, Involved Officer B**, Beat# 463D, stated that he responded to the scene along with Officer A. There he saw Subject 1 standing in the middle of 79th Street, just east of Coles Avenue, brandishing a hammer. There were also several police officers with their weapons drawn in what appeared to be a face-off between them and Subject 1. Officers were ordering Subject 1 to drop the hammer. Officer B then produced his Taser. He stated that since other officers had their weapons drawn, a less lethal attempt at eliminating the threat posed by Subject 1 might be attempted at that point. Subject 1 then turned toward Officer B and rushed directly at him from a distance of about twenty feet. Both Subject 1's hands were held high, at or above his head; the hammer in the right hand and the left hand clenched in a fist. Officer B then announced his office but had no chance to call out "Taser!" because Subject 1 was upon him and so Officer B deployed the Taser. Officer B reported that both prongs must make bodily contact in the target for the device to work effectively and at least one of the two prongs did not make bodily contact with Subject 1, who then ducked down and then swung the hammer at Officer B's head from a distance of approximately one or two feet. Officer B was not certain whether or not the hammer made contact. By this time Officer B was at the rear of his vehicle, back pedaling away from Subject 1 who continued to advance on Officer B. Officer B then ducked away from Subject 1 and crouched low to the ground, at which point he heard maybe six gun shots, but was unable to see who was firing. He then left the Taser on the ground and stayed low and ran to the southwest, drawing his weapon while placing time and distance between himself and his attacker, Subject 1. Officer B then arrived at the southeast corner of the intersection of 79th and Coles. As he turned around to reassess the situation, he saw Subject 1 running westbound along

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the middle of 79th Street, north of Officer B's position. Officer B heard no more gunfire at that point, but did hear officers telling Subject 1 to drop his weapon and stop. Subject 1 then passed a burgundy colored unmarked car that Officer B said had apparently pulled in a short distance behind his vehicle. At that point Subject 1 had a clear path of flight before him, westbound on 79th Street. Instead of continuing his flight, however, he turned back, made eye contact with Officer B and began racing toward Officer B at full speed, again with the hammer held high in an apparent striking position. As Subject 1 closed the distance to the officer to about eight or ten feet, Officer B discharged his weapon about four times. As Officer B discharged his second round he heard other shots being fired but could not tell the direction from which those shots originated. As Officer B fired at Subject 1, Subject 1 fell down face first. At that point he no longer posed a threat to the officer, who then stopped firing. Then Officer B heard from behind him the voice of his partner, Officer A, saying that she had been shot. Then he saw several officers coming from his right to cover Subject 1, at which point he turned away from Subject 1 to place a call on his radio, "We have an officer shot."¹¹ He then put his radio away and went to tend to Officer A. Officer B reported that just when Subject 1 attempted to strike him with the hammer, he did so in an apparent attempt to kill or maim Officer B, and that officers fired their weapons in Officer B's defense, to eliminate the threat posed by Subject 1. When Subject 1 then charged at Officer B a second time, Officer B concluded that he and his fellow officers were at that time applying a level of force necessary to keep Subject 1 from causing death or great bodily harm to either Officer B or any of the other officers in the immediate vicinity.

In her **interview, Involved Officer A**, Beat# 463D, stated that when she and Officer B arrived at the scene from the west on 79th Street, Subject 1 was standing in the middle of 79th Street, holding a hammer in one hand, down along the side of his leg. There were other officers present and the situation appeared to Officer A to be a "standoff"¹² between the officers and Subject 1, with officers facing north and Subject 1 facing south. At one point Subject 1 turned toward the vehicle that was just arriving at the scene, carrying Officers A and B, with its emergency equipment activated. Subject 1 then began to walk briskly toward the vehicle, picking up speed as Officers A and B exited their vehicle, Officer A having warned her partner that Subject 1 was holding a hammer. Suddenly Subject 1 charged at Officer B with the hammer up and swung it at Officer B, who appeared to lose his balance and fall backward, pulling out his Taser and attempting to deploy it on Subject 1, to no apparent effect, as he (Officer B) stumbled back. Subject 1 and Officer B were at the rear of the vehicle by that time. Officer A, her weapon drawn, then came to the rear of the vehicle to assist her partner as Subject 1 again swung the hammer at Officer B. Officer B staggered back and away to Officer A's left, and she then discharged her weapon at Subject 1. Officer A then immediately felt a "slap"¹³ on the side of her right leg, below her knee. She followed Subject 1 at that point and he seemed to be moving toward parked cars toward the north side of 79th Street.

The **General Order** on the use of **deadly force**, 03-02-03 (formerly 02-08-03) outlines the parameters under which officers are either permitted or obliged to apply this level of physical force.

¹¹ Officer B, page 31, line 15.

¹² Officer A, page 8, line 31.

¹³ *Id.*, page 13, line 24.

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CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officers A, B, C, D, E, and F was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order 03-02-03 (formerly G02-08-03), Section II, A:

A sworn member is justified in using force likely to cause death or great bodily harm only 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.

The preponderance of the evidence indicates that the officers' actions were in accordance with the requirements of the Police Department's deadly force policy. Subject 1 resisted officers' non-lethal attempts (verbal, Taser) to cause him to cease and desist his threatening speech and demeanor. Officers discharged their weapons only when they saw Subject 1 charging and swinging a hammer toward officers, doing so in the belief that they were in immediate danger of death or great bodily harm from Subject 1.