

**INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1060210 / U #13-06**

**INVESTIGATION**

**NUMBER:** Log #1060210/U #13-06

**OFFICER**

**INVOLVED#1:** “Officer A” (Chicago Police Officer); Male/White; 43 years old; Off-Duty; In Uniform; Year of Appointment – 1997

**OFFICER #1’S**

**INJURIES:** Graze wound/Abrasions

**SUBJECT:** “Subject 1”; Male/Hispanic; 44 years old

**SUBJECT’S**

**WEAPON:** Used hands to batter police officer and attempted to obtain officer’s weapon.

**SUBJECT’S**

**INJURIES:** (1) Gunshot wound to the abdomen. Transported to Loyola Hospital in stable condition.

**DATE/TIME:** 17 February 2013, at approximately 1640 hours.

**LOCATION:** 5900 W. 18<sup>th</sup> Street, Cicero, IL

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### **SUMMARY OF INCIDENT:**

On 17 February 2013, at approximately 1640 hours, off-duty Officer A was in his personal vehicle with his 13-year-old daughter, Officer A's Daughter, and they were traveling southbound on Central Ave in Cicero, IL. As Officer A approached 18<sup>th</sup> Street, a red truck traveling westbound on 18<sup>th</sup> Street ran through a stop sign and struck Officer A's vehicle. The truck did not stop and continued westbound on 18<sup>th</sup> Street. Officer A followed the vehicle in an attempt to obtain the vehicle's license plate number. The red truck stopped west of the intersection of 18<sup>th</sup> Street and 59<sup>th</sup> Court. The driver, now known to be Subject 1, exited the truck and Officer A exited his vehicle. Officer A walked towards Subject 1, who was standing on the driver's side running board of his vehicle, and as Officer A approached, Subject 1 struck him and the two began fighting. Eventually, Officer A was able to subdue Subject 1 and as he attempted to handcuff him, a male wearing a blue hoodie, now known to be Subject 2 and the brother of Subject 1, came from an unknown direction and struck Officer A in the face, knocking him over allowing Subject 1 to go free.

Subject 1 began fighting with Officer A and placed Officer A in a "bear hug" and was wrestling with him in an attempt to grab his firearm. Officer A discharged his firearm twice into the ground, but did not strike anyone. As Officer A felt Subject 1 grabbing for the weapon, Officer A struggled to keep control of his weapon and discharged once. The round grazed Officer A's forearm and then struck Subject 1 in the abdomen. Officer A then observed Subject 2 who was standing near Officer A's vehicle. Officer A attempted to approach Subject 2 who then fled the area. Officer A called 911 and attempted to give the dispatcher his location. Officer A then observed a Cicero Police vehicle in the area, flagged down the officer, and pointed in the direction of flight of Subject 2. Officer A then went back to check on Subject 1, who he observed running northbound through an alley just west of 18<sup>th</sup> Street and 59<sup>th</sup> Court.<sup>1</sup>

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<sup>1</sup> There was inaccurate information that was related during the preliminary investigation at the scene. There were several inconsistencies throughout the preliminary investigation that documented that Subject 2 was the subject who battered Officer A and who was ultimately shot in the abdomen.

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The **Department Reports** (Cicero Police Department CR# 13-01956) related that Subject 1 was arrested for aggravated battery to a police officer. The incident narrative of the report documented Chicago Police Officer A was involved in a traffic accident located at Central Avenue with a red Dodge Pick Up Truck. Officer A followed the subject, now known as Subject 1, to the 5900 block of 18<sup>th</sup> Street in Cicero, IL. Officer A exited his vehicle, approached Subject 1 and announced that he was a police officer. A struggle ensued, when Officer A was struck in the face and body by a second individual who was wearing a light blue shirt, now known as Subject 2. During the course of the struggle, Officer A discharged his firearm and struck Subject 1. Officer A then flagged down a Cicero Police squad car and related that he was a police officer and that Subject 2 was involved in the incident. Cicero Police Officer 1 approached Subject 2, placed him under arrest and conducted an officer safety pat down. Cicero Police Officer 1 recovered a set of handcuffs and one black wallet from Subject 2's left jacket pocket. Cicero Police Officer 1 asked Subject 2 if the wallet and handcuffs belonged to him and he replied, "No, I found it." Inspection of the wallet revealed that it contained a Driver's License, FOID Card and several other identification cards belonging to Officer A. Subject 2 was charged with one count of aggravated battery to a peace officer and one count robbery.

A **Tactical Response Report** completed by Officer A documented that Subject 1 "did not follow verbal direction," "fled," "pulled away", was an "imminent threat of battery," "attack[ed] with a weapon," "attack[ed] without a weapon" and used "force likely to cause death or great bodily harm." Officer A responded with "member presence", "verbal commands", "open hand strike," "take down/emergency handcuffing," "closed hand strike/punch," "knee strike," and the use of his "firearm". The narrative documented that "three shots were discharged during the incident. The first two shots were unintentional discharges....that occurred during a struggle for [Officer A's] firearm while the offender was attempting to disarm" him.

The **Officers Battery Report for Officer A** documented that he was in fear of being injured when Subject 1 attempted to obtain his weapon. Officer A received non-fatal, minor injuries.

The **Cicero Fire Department Ambulance Report** documented that Officer A was ambulatory and complained of pain to his left forearm. Officer A related that he fired his gun while the barrel of the gun was against left forearm. Assessment showed swelling to his left forearm with abrasions and possible first degree burns. Officer A was transported to by Cicero Fire Department to MacNeal Hospital.

**Medical Records for Officer A from MacNeal Hospital** (Medical Record #3490921) documented that Officer A was admitted to the emergency room on 17 February 2013 for a bullet graze wound to his left forearm and was seen by Doctor A. The documents listed Officer A's address as XXXXX S. Troy Avenue, Chicago, IL and his date of birth as XX ?????? 1969. Upon admission into the hospital, Officer A was in

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stable condition. Officer A was examined and found to have an abrasion on his left forearm. Officer A was discharged on 17 February 2013.

The **Cicero Fire Department Ambulance Report** documented that Subject 1 was seated on his couch in his residence with a gun shot wound to the abdomen and back that was through and through. Subject 1 was transported by Cicero Fire Department to Loyola University Medical Center.

**Medical Records for Subject 1 from Loyola University Medical Center** (Medical Record #2619183) documented that Subject 1 was admitted to the emergency room on 17 February 2013 for a gun shot wound to the abdomen and was seen by Doctor B. The documents listed Subject 1's address at XXXX S. 59<sup>th</sup> Court, Cicero, IL 60804 and his date of birth as XX ??????? 1988. Upon admission into the hospital, Subject 1 was in stable condition. Subject 1 was brought into surgery where an exploratory laparotomy was performed. Subject 1 was discharged on 04 March 2013 to the Cicero Police Department.

A **Canvass** was conducted on 18 February 2013 near the location of 5900 W. 18<sup>th</sup> Street, Cicero, IL. IPRA Investigator A was unable to locate any residents that witnessed the incident in question.

**Cook County Sheriff's Police Department Evidence Report (#13-032556)** documented items inventoried and photographs obtained by Evidence Technicians at the scene. The report also documented that Officer A's weapon was recovered at the scene. The report was submitted by Cook County Investigators A, B, and C.

**Evidence Technician Photographs** were taken of the crime scene, Officer A, Officer A's firearm and Subject 2. Evidence photographs were also taken of the injuries to Officer A, specifically of his forearm and right knee.<sup>2</sup>

There were no **Illinois State Police Forensic Science Laboratory Tests** involving the discharge of Officer A's weapon on 17 February 2013 at 1640 hours.

**Cellular Phone Video from Witness 1** was obtained through **Cicero Police Department** that documented a blue Honda Odyssey parked in the middle of the street with its driver side door opened. Two individuals were seen at the rear of the van walking away from it. One of the individuals was dressed in a dark blue hoodie sweatshirt with black pants, now known as Subject 1, and had his arms wrapped around the chest of a second individual. The second individual, who was dressed in a black hoodie sweatshirt and gray pants, now known as Officer A, was facing away from the first individual. A third individual was seen walking behind them wearing a light blue hoodie sweatshirt with dark blue pants, now known as Subject 2. A gunshot was then heard and the recording stopped.

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<sup>2</sup> No photographs were taken by Cicero Police Department of Subject 1 and his injuries.

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The related **Cicero 911 Calls** documented that on 17 February 2013, (911 Caller), reported two shots fired from an individual stating that he was a police officer near 59<sup>th</sup> and 18<sup>th</sup> Street in Cicero, IL. Cicero Police were dispatched to the scene.

The **Detectives Supplementary Report** documented the Reporting Detectives investigation of the incident. On 17 February 2013, at approximately 1640 hours the Reporting Detectives were assigned to investigate a police involved shooting which occurred at the 5900 Block of 18<sup>th</sup> Street, Cicero, IL.

After arriving at the scene, the Reporting Detectives learned that the victim was off-duty Chicago Police Officer A and that a handgun had been recovered from his person by Cicero Police Officer 1. A person shot, now known to be Subject 1, was located at XXXX S. 59<sup>th</sup> Court and was being treated and transported by Cicero Fire Department Paramedics to Loyola University Medical Center. A third individual, now known as Subject 2, was also at the location, in custody and placed in a marked Cicero Police vehicle.

The Reporting Detectives learned that Officer A had been involved in a traffic crash on Central Avenue with a red Dodge Pick Up Truck. The Dodge Pick Up Truck fled from the scene and Officer A followed it to the 5900 Block of 18<sup>th</sup> Street in Cicero, IL. Officer A stopped the driver, now known to be Subject 1, and identified himself as a police officer. At some point a second subject, now known to be Subject 2, struck Officer A about the face and body. During the course of the struggle, Officer A discharged his firearm and struck Subject 1.

The Reporting Detectives learned that responding Cicero Police Officer 1 responded to the scene after being flagged by Officer A who identified himself as a police officer and pointed to an individual, now known as Subject 2, who was involved in the incident. Cicero Police Officer 1 exited his vehicle and instructed Officer A to place his hands on his head and Officer A complied. Cicero Police Officer 1 then asked Officer A for any identification, in which Officer A replied, "No, I don't have my wallet. I have a gun on me. I shot a person, [he's] in the alley." Cicero Police Officer 1 then approached Subject 2 and conducted a protective pat down. During his search, Cicero Police Officer 1 recovered Officer A's wallet containing his driver's license, FOID card and several other identification cards as well as a set of handcuffs. Additionally, Cicero Police Officers 2 and 3 responded to the location of XXXX S. 59<sup>th</sup> Court, where they found Subject 1 and observed that he had a gun shot wound to the lower left side of his abdomen. Subject 1 was transported to Loyola Hospital by Cicero Fire Department.

The Reporting Detectives learned that there was a witness to the initial accident. Witness 2 related that he was in his apartment located at 1645 S. Central Ave, when he heard what appeared to be a vehicle crash. Witness 2 looked out his window and observed a dark colored minivan drive onto the sidewalk and into an empty lot on the southwest corner of 18<sup>th</sup> Street and Central Avenue. Witness 2 then observed a red pickup truck speed westbound on 18<sup>th</sup> Street from Central Avenue. The minivan then drove off of the lot and

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followed the red pick up truck. Witness 2 related that he heard the minivan horn and thought it was the driver attempting to have the driver of the red pick up truck pull over.

The Reporting Detectives interviewed Subject 2. Subject 2 related that he was in his residence located at XXXX S. 59<sup>th</sup> Court in Cicero, IL when he looked out the window and saw the door to his red Dodge Ram truck was open and thought someone was breaking into his vehicle. Subject 2 exited his residence and went over to see what was happening. As he approached, he observed a minivan with the driver's door open and a girl crying inside the van. Subject 2 observed two males fighting in the street and noticed that one of the males was his brother, Subject 1. Subject 2 stated in Spanish, "What's happening?" Subject 1 replied, "He has a gun." Subject 2 related that he backed away from both men at which time he heard a gun shot and saw his brother fall to the ground. Subject 2 related that he then fled the scene and was stopped by the Cicero Police Department at 59<sup>th</sup> Avenue. Subject 2 admitted to picking up a pair of handcuffs, a wallet and a cell phone from the scene. Subject 2 denied striking anyone on the scene.

The Reporting Detectives relocated to the Cicero Police Station and interviewed Officer A's Daughter in the presence of her mother, (Mother). Officer A's Daughter related that she was driving home with her father, Officer A, when they got into a car crash with a red pickup truck. The red pick up truck failed to stop and her father told her to type the license plate of the pick up truck into her iPod. Officer A followed the truck until it pulled over. Officer A stopped his vehicle and took a gun out of the vehicle's glove box, exited the vehicle, and told the man in the pick up truck that he was the police. Officer A's Daughter related that she only saw one person get out of the pick up truck and that her father stated "Police" several times in English and Spanish. Officer A's Daughter observed the man from the pick up truck get on the ground and her father began to place handcuffs on him. As her Dad was placing handcuffs on the driver of the truck, an individual, now known as Subject 2, grabbed her father from behind, turned him around and punched her father in the face. After her father was punched, Officer A's Daughter related that she lost sight of her father and the other two individuals. Officer A's Daughter related that she stayed in the car and did not see where her father and the two individuals went. Shortly after losing sight of everyone, Officer A's Daughter heard three gunshots. A short time after hearing the gunshots she saw her father with the police and her father was in handcuffs. Officer A's Daughter related that she remained in the vehicle until her father was out of the handcuffs and the police told her it was okay to come out of the car.

There was no **MIN Report** generated due to the incident occurring outside the city of Chicago.

**Efforts to obtain a statement from Witness, Subject 2,** were met with negative results. On 12 March 2013, the R/I and IPRA Investigator B attempted to interview Subject 2 at XXXX S. 59<sup>th</sup> Court, Cicero, IL. Subject 2 refused to give a statement.

**On 18 February 2013 at approximately 1414 hours,** IPRA Investigator A visited Loyola University Medical Center and attempted to interview Subject 1. IPRA

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Investigator A spoke with Subject 1's treating intern physician, Doctor C, who stated that Subject 1 sustained a through-and-through gunshot wound resulting in two holes, one in the abdomen and one in the back. Doctor C related that she and attending physician, Doctor B, were unable to determine which wound was the entrance wound and which wound was the exit wound. IPRA Investigator A attempted to speak with Subject 1, but determined that Subject 1 was non-English speaking. IPRA Investigator A requested that a Spanish speaking investigator obtain a statement from Subject 1.

**In an audio recorded statement to IPRA, Victim Subject 1 related** that on the 17 February 2013, he was turning his Dodge Ram Truck on to 18<sup>th</sup> Street at Central Avenue in Cicero, IL. Subject 1 related that as he was turning his vehicle, a driver in another vehicle was approaching at a high rate of speed and hit the front end of his vehicle. Subject 1 believed that when he was turning his vehicle, he went over the center line when the other vehicle hit his. Both vehicles stopped and Subject 1 told the driver, now known to be off-duty Chicago Police Officer A, to follow along 18<sup>th</sup> Street to his residence. Once he was near the location of his residence, Subject 1 stopped his vehicle and began to call his insurance company. While he was seated in his vehicle, Officer A approached him and knocked the phone out of his hand. Subject 1 related that Officer A then announced that he was a police officer and that he took out his pistol and ordered him to the ground and not to move, in which he complied. Subject 1 related that once he was on the ground, Officer A began punching and kicking him in the face several times.

While this was happening, Subject 1 called his brother, Subject 2, who was in his house about a block away. Subject 2 ran to the scene and told Officer A to leave his brother alone and then "grabbed" him in an attempt to stop beating Subject 1. Subject 1 related that Officer A told Subject 2 that he was the police, in which Subject 2 backed away from him. Officer A then took out his gun and pointed it towards Subject 2. Subject 1 related that he got up from the ground and grabbed Officer A's hand in an attempt to deter him from shooting his brother. As he grabbed Officer A's hand, he pushed it down towards the ground in which Officer A discharged his gun twice, firing into the pavement. Subject 1 related that Subject 2 then fled the scene and that Officer A took him to the corner of a nearby school, threw him to the ground, hit him in the face three times and then shot him in the stomach. Subject 1 related that after he was shot, Officer A ran after his brother, so he got up from the ground and ran to his house nearby. Once inside his house, Subject 1 told his sister-in-law, Sandra Garcia, to call an ambulance.

**In an audio recorded statement to IPRA, Witness 1 related** that he was parking his vehicle by his mother's house when he observed a van in the middle of the street blocking a red pick up truck. Upon closer observation, Witness 1 observed two males on the ground fighting with each other between both vehicles. Witness 1 related that he pulled out his phone in an attempt to videotape the altercation and then exited his vehicle. As he exited his vehicle, he observed that the two males were now standing in the street in a "bear hug."<sup>3</sup> Witness 1 related that there was a male individual wearing black with tan pants, now known to be Officer A and the other male was dressed in blue,

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<sup>3</sup> Witness 1, Page 11, Line 13

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now known to be Subject 1. Witness 1 related that Subject 1 was in control of Officer A and that both men were walking towards the alley when he heard one of them state something about a gun. Witness 1 observed Officer A holding a gun in his hands and he then fired his weapon. Witness 1 quickly got back into his car and drove around the corner to park in front of his mother's house. As he exited his vehicle, Witness 1 walked down the side of the gangway near his mother's house and observed Subject 1 on the ground holding his stomach. Witness 1 looked up and saw Officer A run after Subject 2 stating, "I am a detective, I am a cop."<sup>4</sup> Witness 1 walked towards the alley where he observed a Cicero Police car that stopped Subject 2 and Officer A. Witness 1 related that he heard four gun shots throughout the incident. Witness 1 related that he did not hear Officer A state that he was a police officer until after he fired his weapon.

**In an audio recorded statement to IPRA, Witness 3,** related that he was sitting in his vehicle in the alley behind the school facing southbound when he heard a gun shot. Witness 3 related that he looked down the alley towards the street and saw two individuals facing each other struggling in the street. Witness 3 did not see what the two individuals were struggling for, but noticed that the individual on the right went towards the other individual and struggled for something. Witness 3 then heard a second gun shot and saw the individual on the right, now known as Subject 1, fall to the ground. As this happened, Witness 3 observed the individual on the left, now known as Officer A, holding a gun and pointing in the direction of a third individual near the scene. Witness 3 then observed Officer A approach Subject 1 and moved him over to the side of the street near the sidewalk. As Officer A did this, Witness 3 lost sight of both individuals. Witness 3 then drove his vehicle down the alley to the parking lot of the school and as he did this, the third individual dressed in a hoodie sweatshirt ran past him in the alley. Witness 3 did not hear the verbal exchanges between Officer A and Subject 1.

**In an audio recorded statement to IPRA, Officer A,** related that he was driving his daughter, Officer A's Daughter, home from a field hockey game when they approached the intersection of 17<sup>th</sup> Street and Central Avenue in Cicero, IL. Officer A related that as he approached the intersection a red pick up truck passed him traveling northbound and made a left turn going westbound down 17<sup>th</sup> Street. As the truck made the turn, it struck the rear part of Officer A's vehicle, a 2009 Honda Odyssey. Officer A related that he turned his vehicle around to follow the pick up truck, which did not stop after the accident. Officer A related that he tried to find his cell phone to call 911, but was unable to locate it. Moments later, the pickup truck parked in a diagonal spot at 5900 W. 18<sup>th</sup> Street.

Officer A related that he parked his vehicle behind the pick up truck, exited, and walked towards the driver, now known to be Subject 1, who was exiting the pick up truck. Officer A related that he walked up to Subject 1 and announced that he was a police officer in English and in Spanish. Officer A related that Subject 1 was standing on the running board of the truck and began swinging at him. Officer A related that a struggle and fighting ensued to the point that he removed his gun from his sweatpants. Officer A kept stating, "police, police, police," but Subject 1 continued to fight him.

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<sup>4</sup> Witness 1, Page 6, Line 24

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Officer A related that they continued to fight to the point that he was able to gain control over Subject 1 and lie him down on the ground on his stomach. Officer A related that he then took his handcuffs out and was about to arrest Subject 1, when he was approached by a second Hispanic male, now known to be Subject 2, who began punching him in the face from behind and knocked him away from Subject 1.

As Officer A was knocked back, Subject 1 got behind him and grabbed him in to a bear hug and stated “corelo pistola.”<sup>5</sup> Officer A related that once he heard this, he tried to hide his gun in his crotch. Officer A related that Subject 1 was hunched over his back, punching him and trying to grab the gun away from him. Officer A continued to walk away from his vehicle to get him and Subject 1 away from his daughter. As they approach the mouth of the alley, Officer A’s gun inadvertently discharged twice, but did not hit anyone. Officer A continued to struggle with Subject 1 until the point that he was pushed up against a fence. Officer A related that Subject 1 had him pinned up against the fence, where his right shoulder was against the fence and he was trying to push Subject 1 away with his left hand. Officer A related that at this point he had no where else to go to deter Subject 1’s assault on him. Officer A related that Subject 1 continued to grab for his gun that was being held in his right hand. Officer A felt that his life was in danger, so he pulled the trigger. Officer A related that the he was holding the gun in his right hand and his right hand was up against his left forearm when he discharged his weapon. The bullet skipped by Officer A’s forearm and entered in to Subject 1’s stomach. Officer A related that after he fired his weapon he observed Subject 1 slide down and he then observed blood. Officer A related that he then located his cell phone, which was in his pants pocket and called 911, in which he related that was a police officer and that he just got involved in a shooting. Officer A related that he tried to give the dispatcher his location, but was unaware of where he was.

As he was looking for a street sign to give the dispatcher, he observed Subject 2 standing by his car, where his daughter was still located. Officer A related that Subject 2 began to run east and he chased after him. As Officer A was running after Subject 2, he observed a Cicero Police squad car approach with its lights on. Officer A related that he put his gun back into his pocket and raised his hands up. A Cicero Police Officer pulled up and Officer A related to the officer what had just occurred and that Subject 2, who was running down the street, was also involved. The officer then ran after Subject 2 and apprehended him. Officer A related that more officers arrived at the scene, in which he was asked to present his identification. Officer A related that he couldn’t find his wallet and was subsequently placed in handcuffs and his gun was secured by a Cicero Police officer. Officer A related that his wallet and handcuffs were later found in the possession of Subject 2. Officer A related that once his identification was found, he was unhandcuffed and started making notifications to the Chicago Police Department and the FOP. Officer A related that he received some minor cuts, a graze wound from the bullet and some bruising on his hand. Officer A added that when Subject 1 had him pinned up against the fence, he had no other choice, but to shoot him because he felt that Subject 1 was going to overpower him, grab his gun and take it away from him.

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<sup>5</sup> Officer A, Page 16, Lines 6-7 Definition: “get the gun”

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### 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 02-08-03, 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."

The actions of Officer A was in accordance with the statute "to prevent death or great bodily harm to the sworn member or to another person" because he reasonably believed that his life and his daughter's life were in danger when Subject 1 advanced towards him and attempted to get his gun from him.

Officer A announced his office several times in English and in Spanish and Subject 1 failed to comply with his orders. A struggle ensued between Subject 1 and Officer A to the point that Officer A was able to overpower Subject 1 and place him on to the ground. While attempting to handcuff Subject 1, Officer A was struck in the face and body by Subject 2. Subject 1 got up from the ground and wrapped his arms around Officer A's chest and attempted to grab his gun. Officer A struggled with Subject 1 and attempted to hide his gun from him. During this time, Officer A inadvertently discharged his gun twice, which did not strike anyone. Subject 1 pinned Officer A up against a fence and continued to fight with him in an attempt to gain control and take Officer A's gun. Officer A had his gun in his right hand and pointed it towards Subject 1 under his left forearm. Officer A, who was in fear of his life and his daughter's life, fired his weapon striking Subject 1 in the stomach. The cell phone video documented that Subject 1 had

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his arms wrapped around Officer A's chest and that he was attempting to overpower Officer A, however the video did not capture the actual shooting.

The allegations made by Subject 1 were not addressed as it was determined through the investigation that Subject 1 provided an inconsistent account of the incident. Second, Subject 2 related to Cicero Police Detectives that he approached the scene and observed his brother fighting with Officer A, but moved away when Subject 1 stated that Officer A had a gun. This is also inconsistent as Subject 1 related in his statement that Subject 2 "grabbed" Officer A and pulled him away. Finally, Officer A's account of the incident was corroborated by his daughter, Officer A's Daughter, who was seated in the front seat of Officer A's vehicle and witnessed part of the incident. Finally, cell phone video obtained from Witness 1, documented that Subject 1 had Officer A in a "bear hug" in an attempt to overpower him.