

INDEPENDENT POLICE REVIEW AUTHORITY

LOG# 1065676

INVESTIGATION

NUMBER: LOG# 1065676/U#13-39

INVOLVED

OFFICER #1: “Officer A” (Chicago Police Officer); Male/White; 29 years old; On-Duty; Civilian Dressed; Year of Appointment – 2007

OFFICER #1

INJURIES: None reported.

INVOLVED

OFFICER #2: “Officer B” (Chicago Police Officer); Male/Spanish; 41 years old; On-Duty; Civilian Dressed; Year of Appointment – 2001

OFFICER #2

INJURIES: None reported.

INVOLVED

OFFICER #3: “Officer C” (Chicago Police Officer); Male/Black; 32 years old; On-Duty; Civilian Dressed; Year of Appointment – 2007

SUBJECT: “Subject 1”; Male/Black; 40 years old

SUBJECT’S

WEAPON: Two knives

SUBJECT’S

INJURIES: Multiple gunshot wounds about body, fatal.

INITIAL

INCIDENT: Officers responded to Witness 1’s 911 call of a man (Subject 1) with a knife. After officers gained forced entry through the front door of the residence, Sergeant James Cascone was ambushed and stabbed about his face and head by Subject 1.

DATE/TIME

OF INCIDENT: 22 October 2013 at 2300 hours.

LOCATION: XXX E. 107th Street.

BEAT: 512.

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SUMMARY OF INCIDENT:

Officers responded to Witness 1's 911 call of a man with a knife. Upon arriving to Witness 1's residence, officers heard Witness 1 yelling for help from a basement window. Officers gained forced entry through the front door of the residence. The momentum of the sledgehammer CPD Sergeant 1, used to gain entry caused him to stumble approximately one foot inside the doorway of the residence. While CPD Sergeant 1 was in a bent over position attempting to gain his balance, Subject 1 ambushed him. Subject 1 stabbed CPD Sergeant 1 multiple times about his head and face with a large chef's knife.

Officer C, along with other assisting officers pulled CPD Sergeant 1, from the residence and provided him with aid. Moments later, several officers re-entered the house in search of Subject 1. As the officers were searching the residence they smelled a gas odor, broke windows to ventilate the home, then evacuated the residence. Soon thereafter, Witness 1 fled from the residence. Witness 1 informed officers that Subject 1 was attempting to blow up the residence. Officer A, along with other assisting officers, re-entered the residence. The officers turned off the stove and continued their search for Subject 1. As the officers entered the basement area, they were informed via radio that Subject 1 was in the utility/laundry-room area of the basement.

When Officer A searched the utility room, he observed Subject 1 standing against the wall in the utility room. Subject 1 had his arms across his chest in a letter X position. Subject 1 had a large chef's knife in each hand. Officer A commanded Subject 1 to drop the knives. Subject 1 stated, "I ain't dropping shit!" Subject 1 raised his hand in a striking motion and lunged toward Officer A. Officers A, B, and C discharged their weapons multiple times toward Subject 1, fatally striking him.

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In a **statement** to IPRA, **Witness 1** related that her son, Subject 1 entered the house through the back door carrying clothes. Subject 1 went downstairs to the basement, and then went upstairs. Subject 1 and Witness 1 had a verbal argument about the laundry. Subject 1 lifted the coffee pot from the stove and broke it. Witness 1 grabbed her coat and ran to the front door of the residence. Moments later, Witness 1 went to the kitchen where Subject 1 was. Witness 1 asked Subject 1, "Why are you doing this, you don't wanna go to jail." From that moment on, Witness 1 related that Subject 1 was not his normal self. Witness 1 related that it seemed as if the devil arose in Subject 1, and that she saw nothing in him but evil.

Subject 1 stated to Witness 1, "I ain't going back to jail, somebody's gonna die!" Subject 1 grabbed two knives from the dish rack. At this time, Witness 1 was thinking that she had to exit the residence through the back door. Subject 1 swung at Witness 1 with his fist as she headed toward the back stairs. Subject 1 began swinging the knives toward Witness 1. In her attempt to get away from Subject 1, Witness 1 fell down the stairs leading to the basement. Witness 1 had her cellular telephone in her coat pocket, and called 911. When Witness 1 heard Subject 1 coming downstairs, she placed her cellular phone in her coat pocket. Witness 1 had not terminated her call with 911. Witness 1 ran toward the barstool chairs in the basement. Subject 1 approached Witness 1 while swinging the knives. Witness 1 lifted a barstool chair, and pushed the legs of the barstool against Subject 1 at which time he dropped one of the knives. Subject 1 then snatched Witness 1 cellular telephone from her coat pocket and tore her coat pocket in the process.

Subject 1 picked up the knife he dropped and approached Witness 1, until she began screaming. Witness 1 was screaming for help to the officers whom she heard outside her home. The officers stated they were not going to leave until they saw Witness 1. Witness 1 tried to convince Subject 1 that the officers just needed to see her. At that time Subject 1 went upstairs, and Witness 1 hid in the utility/laundry room. The utility/laundry room is enclosed by an accordion door. Subject 1 returned downstairs and pushed in the accordion door. Witness 1 was hiding in the corner of the utility room in a crouched position. While looking for Witness 1, Subject 1 stepped on her feet. However, Subject 1 proceeded to exit the utility room.

Thereafter, Witness 1 ran upstairs and exited the front door of the residence. Witness 1 related that no officers were in the house at the time she fled from her residence. Officers placed Witness 1 in a department vehicle and asked her if there were any weapons in the house. Witness 1 stated she overheard officers mentioning that an officer had been injured. Witness 1 could not provide any insight in regards to the shooting, as she did not witness the incident. Witness 1 further related that Subject 1 had recently been released from Cook County Jail for threatening and attacking her with a razor.

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In a **statement** to Detectives, **Involved Member/Victim CPD Sergeant 1** related that he responded to a call of a man with a knife at the address of incident. CPD Sergeant 1 responded to the scene with Officer E, and Officer C. Upon arriving at the scene of incident, Beat 531R was also arriving through a basement window. CPD Sergeant 1 and other responding officers spoke to Witness 1 and learned that Subject 1 was in the house armed with a knife, and that he was not going to allow Witness 1 to exit the residence.

Subject 1 pulled Witness 1 away from the window. Subject 1 stated he was not exiting the house, and that the officers were going to have to come in and get him. CPD Sergeant 1 decided they needed to gain forced entry into the residence for Witness 1 safety. CPD Sergeant 1 and Officer E used tools ("Chicago Bar" and sledgehammer) that they retrieved from their vehicle to gain access through the front door of the residence. When CPD Sergeant 1 swung it, the momentum/weight of the sledgehammer led him approximately one foot inside the doorway of the residence.

CPD Sergeant 1 stumbled into the residence, in a bent over position. As CPD Sergeant 1 was bent over, Subject 1 emerged from the interior side of the doorway. Subject 1 stabbed CPD Sergeant 1 multiple times about his face and head with a chef's knife. CPD Sergeant 1 placed his hands over his face in an effort to protect himself. Officer C attempted to punch Subject 1 as he and other officers pulled CPD Sergeant 1 from the residence and rendered him aid. Subject 1 fled further inside the home. CPD Sergeant 1 described the interior of the residence as dark. CPD Sergeant 1 did not discharge his weapon during this incident, nor did he witness the shooting that occurred later.

In a **statement** to IPRA, **Involved Member Officer A** related that he was at the 005th District Station completing an Arrest Report, when a call came over the radio that a Sergeant had been stabbed in the face. Officer A exited the station with several other officers to respond to the location of incident. Upon arriving at the location of incident, Officer A observed officers rendering aid to CPD Sergeant 1. Officer A was informed that there was a potential hostage situation inside the residence. Officer A along with other officers, made a forced entry through the front door of the residence.

Officer A was the first officer to enter the residence. Officer A along with other officers searched the residence. Officer A smelled a gas odor in the residence, and heard a clicking sound. Officer A described the clicking sound as the sound he hears when he turns on his stove. Officer A assumed that someone was trying to blow up the house. In fear of his and other officers' safety, Officer A instructed everyone to evacuate the residence. Moments later, Witness 1 exited the front door of the residence. Officers approached Witness 1 and offered her assistance. Officer A did not observe any visible injury to Witness 1. Officer A, along with other officers, re-entered the residence to turn off the gas, apprehend Subject 1, and to make sure there was no one else in the house. Upon re-entering the residence, officers turned off the gas and broke windows to ventilate the residence.

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Officer A along with other officers cleared the first floor of the residence and proceeded to the basement. As Officer A and the officers were searching the basement, Officer C related that Subject 1 was near the washer and dryer in the utility/laundry room. The utility/laundry room was secured by an accordion style door. Officer D, pulled the door off the hinges to see if Subject 1 was in the utility/laundry room. Officer A proceeded to enter the utility room, at which time he observed Subject 1. Subject 1 was leaning with his back against the wall, and holding a chef's knife in his right hand. Subject 1's right hand was across his chest. Officer A stopped, and commanded Subject 1 to "Drop the knife!" Officer A related there was less than 3 feet between him and Subject 1. Subject 1 stated, "I ain't dropping shit," and lifted his back from against the wall. Subject 1 raised his right hand in a striking manner, and lunged toward Officer A.

In fear for his life, Officer A discharged his weapon in Subject 1's direction. Subject 1 did not immediately fall to the ground, and continued toward Officer A. Officer A related that he did not have anywhere to retreat. Officer A continued to discharge his weapon until the threat of him being stabbed was eliminated. Officer A related that he heard other officers discharging their weapons, but that he was focused on Subject 1. Subject 1 fell to the floor with the knife still in his right hand. After the shooting, Officer A radioed that shots had been fired by the police, and other officers requested medical attention to the scene.

Officer A stated he had his weapon in a low ready position upon entering the residence. Officer A later learned from other department members that Subject 1 also had a chef's knife in his left hand.

In a **statement** to IPRA, **Involved Member Officer C** related that he responded to the scene of incident with Officer E, and CPD Sergeant 1. They responded to a call of a man with a knife. Upon arriving at the scene they observed Beat 531R knocking at the front door of the residence. The officers heard music coming from the home. After there was no answer to the front door, the officers walked along the side the house and knocked on the windows.

From a basement window along the side of the house, Officer C heard Witness 1 screaming, "Let me out of here, and get me out of here." Officers then heard Subject 1 state, "You're gonna need a warrant to get in here!" Officers instructed Subject 1 to come to the door and speak with them, but he refused. CPD Sergeant 1 decided that they had to get Witness 1 out of the house before Subject 1 hurt her. Officer E retrieved tools from their squad car to gain forced entry into the residence. Officer E pried open the front security door and CPD Sergeant 1 used a sledgehammer to open the main entrance door. When the main door opened, officers stated, "Police, police!" There was no response from inside the residence.

CPD Sergeant 1 dropped the sledgehammer, and took one step inside the doorway of the home. Immediately, Officer C observed Subject 1 striking CPD Sergeant 1 about his face. Officer C approximated that Subject 1 struck CPD Sergeant 1 six times. Officer C holstered his gun and began striking Subject 1 with his hands. An officer yelled out

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that Subject 1 had a knife in his hand. At this point, Officer C realized that Subject 1 was not punching CPD Sergeant 1, but stabbing him. Officer C grabbed CPD Sergeant 1 by his waist and pulled him outside. Other officers assisted Officer C in pulling CPD Sergeant 1 out of the residence.

After calling for medical assistance, Officer C went back to the front door of the residence, but Subject 1 had locked the security door. Officer C then assisted other officers in providing aid to CPD Sergeant 1. Several units began arriving at the scene. Officer C briefed the responding units about the incident. Officer C and approximately ten other officers regained entry to the residence.

From this point forward in his statement, Officer C essentially related Officer A's account of the incident. In addition, Officer C related that Witness 1 fled from the residence stating, "He's in the house, in the basement, he still has the knives," and "I had to sneak out." While searching the basement a call came across the radio from officers who had spoken to Witness 1, informing officers that Subject 1 was hiding in the utility/laundry room near the washer and dryer. Officer C related that he discharged his weapon approximately three times in Subject 1's direction.

In a **statement** to IPRA, **Involved Member Officer B** essentially related the same account of the incident as Officer A. In addition, Officer B related that upon arriving at the scene he observed several officers assisting a bloody-faced CPD Sergeant 1. Officer B overheard Witness 1 informing officers that Subject 1 was in the basement of the residence, armed with a knife. After hearing Officer A give Subject 1 verbal commands to drop the knife, Officer B entered the utility room. Officer B stated he was approximately six feet away from Subject 1. Officer B observed Subject 1 to be in possession of a chef's knife in each hand. Officer B stated he took cover behind a furnace. Once Subject 1 moved toward Officer A, Officer B discharged approximately 12 rounds in Subject 1's direction. Officer B stated he discharged his weapon to prevent Subject 1 from stabbing Officer A.

In a **statement** to IPRA, **Witness Officer D**, essentially related the same account of the incident as the aforementioned from the time that he arrived at the scene. In addition, Officer D related that he responded to the scene with Officer F. Officer D stated he was standing approximately five feet behind Officer A when Officer A discharged his weapon. Officer D was not injured, nor did he discharge his weapon during this incident.

In a **statement** to IPRA, **Officer E**, **essentially** related the same account of the incident as Officer C. In addition, Officer E related that he responded to the scene with Officer C and CPD Sergeant 1. Officer E was holding the security door to the residence open when CPD Sergeant 1 entered the residence. Officer E did not witness Subject 1's stabbing of CPD Sergeant 1. As Officer E was assisting officers in searching the basement, he heard gunshots. Officer E was not injured, nor did he discharge his weapon during this incident.

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In a **statement** to IPRA, **Officer F**, essentially related the same account of the incident as his partner, Officer D. Officer F related that he observed blood on Witness 1 when she exited the residence. As Officer F was assisting officers in searching the basement, he heard multiple gunshots. Officer F was not injured, nor did he discharge his weapon during this incident.

In a **statement** to IPRA, **Witness CPD Sergeant 2**, essentially related the same account of the incident as the aforementioned officers. In addition, CPD Sergeant 2 related that he was working alone when he responded to the scene of incident. As CPD Sergeant 2 was assisting officers in searching the basement, he observed an officer discharge multiple gunshots in Subject 1's direction. CPD Sergeant 2 was not injured, nor did he discharge his weapon during this incident.

In a **statement** to IPRA, **Witness Officer G**, essentially related the same account of the incident as the aforementioned officers. In addition, Officer G related that he responded to the scene of incident with CPD Sergeant 3 and Officer A. As Officer G was assisting officers in searching the basement, he heard multiple gunshots. Officer G was not injured, nor did he discharge his weapon during this incident.

In a **statement** to IPRA, **Witness Officer H** essentially related the same account of the incident as Officer A. In addition, Officer H related that he observed Subject 1 to be in possession of two knives. Officer H witnessed the shooting of Subject 1. Officer H was not injured, nor did he discharge his weapon during this incident.

In a **statement** to IPRA, **Witness Officer I**, essentially related the same account of the incident as the aforementioned officers. In addition, Officer I related that as he was going down the basement stairs he heard multiple gunshots. Officer I did not witness the shooting of Subject 1. Officer I was not injured, nor did he discharge his weapon during this incident.

A **Chicago Police Department Event Query**, relates that a 911 call was made by a female caller, now known to be Witness 1. The dispatcher heard Witness 1 yelling, "Put the knife's down, put the knife's down, the police know we live at XXX E. 107th Street!" Thereafter, the call was terminated from Witness 1's end. The dispatcher called Witness 1 back, but received a voicemail.

A **diagram** shows the layout of the basement, and the position of the involved parties. The diagram is not to scale.

Tactical Response Reports were completed by CPD Sergeant 1, and Officers A, B, and C. CPD Sergeant 1 and the officers identified Subject 1 as an Assailant-Deadly Force. Subject 1's actions were that he did not follow verbal direction, he was an imminent threat of battery, he attacked with a weapon (knife), and his use of force was likely to cause death or great bodily harm. CPD Sergeant 1 and the officers' responses to Subject 1 were member presence, verbal commands, and firearm discharge.

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Officer A related that he discharged his weapon toward Subject 1 after he (Subject 1) lunged toward him with a knife, which placed him in fear for his life. Officer A was in a standing position when he discharged 16 rounds from a distance of 0-5 feet.

Officer B related that he discharged his weapon toward Subject 1 after Subject 1 lunged toward Officer A with a knife in his hand. Officer B was in a standing position when he discharged 13 rounds from a distance of 5-10.

Officer C related that he discharged his weapon toward Subject 1 after he (Subject 1) lunged toward Officer A with a knife in his hand. Officer C was in a standing position when he discharged three rounds from a distance of 0-5 feet.

In the Additional Information Section of his Tactical Response Report, CPD Sergeant 1 related that Subject 1 attacked him with a knife. Subject 1 stabbed CPD Sergeant 1 several times about his head and facial area. CPD Sergeant 1 did not discharge his weapon during this incident.

The **Chicago Fire Department Incident Report** relates that paramedics of Ambulance 60 arrived at the scene of incident. The paramedics observed Subject 1 on the basement floor of the residence. Subject 1 was dead upon the paramedics' arrival. Subject 1 was clutching a "butcher's knife" in each hand. Subject 1 sustained multiple gunshot wounds to his neck, torso, and extremities. Thereafter, paramedics of Ambulance 60 responded to Roseland Community Hospital and observed CPD Sergeant 1 in a hospital bed. The paramedics observed several facial lacerations to CPD Sergeant 1. The lacerations had been sutured and dressed prior to the paramedics' arrival.

In an **Officer's Battery Report**, CPD Sergeant 1 related that he was in civilian dress, with two partners (Officers B and C), in an unmarked department vehicle. CPD Sergeant 1 sustained serious lacerations to his head in face.

In an **Officer's Battery Report**, Officers A, B, and C related that they did not sustain any injury.

Chicago Police Department Evidence Technician Photographs of Witness 1 show an overall picture of Witness 1 and a bandage around her right calf.

Chicago Police Department Evidence Technician Photographs of CPD Sergeant 1 show multiple abrasions, swelling, and sutures to the left side of his face. CPD Sergeant 1's left eye appears to be swollen shut. CPD Sergeant 1's bullet-proof vest is stained with suspected blood.

Chicago Police Department Evidence Technician Photographs of Subject 1 show Subject 1 on the basement floor with multiple gunshot wounds about his body. Photographs also show Subject 1 in possession of a chef's knife in his right and left hand.

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The **Office of the Medical Examiner Postmortem Examination Report** states Subject 1 sustained multiple (29) gunshot wounds about his head, chest, upper/lower extremities, back, abdomen, and buttocks. It is the opinion that Subject 1 died of multiple gunshot wounds. The manner of death was homicide. Subject 1's toxicology results were negative.

The Chicago Police Department **inventoried** a stainless steel chef's knife, with a black plastic handle, 7" blade, and overall length of 11 ½ inches from Subject 1's right hand. Inventoried from Subject 1's left hand was a "Jamie Oliver" stainless steel chef's knife, with a black plastic handle, 8" blade, and overall length of 13 ½ inches.

The **Illinois State Police Division of Forensic Services**, relate that the firearms of Officers A, B, and C were tested and found to be in firing condition.

The **Case Supplementary Report** related a summary of the shooting, summary interviews of Witness 1, Involved Members and witness officers. The aforementioned essentially related the same account of the incident in their statements to IPRA. Some of the officers interviewed by the Detectives were not interviewed by IPRA. However, those officers essentially related the same account of the incident as the officers that were interviewed by IPRA.

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CONCLUSION AND FINDING:

This investigation revealed that the use of deadly force by Officers A, B, and C was in compliance with the Chicago Police Department Policy pertaining to the use of Deadly Force. 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 Officers A, B, and C were in accordance with sections A(1) and A(2) of the Chicago Police Department's Deadly Force policy. Prior to the aforementioned officers using deadly force against Subject 1, Subject 1 committed great bodily harm and endangered the life of CPD Sergeant 1. Subject 1 stabbed CPD Sergeant 1 multiple times about his head and face with a large chef's knife. CPD Sergeant 1 received several sutures as a result of the stabbing. Subject 1 also endangered Witness 1's life, which resulted in Witness 1 having to physically defend herself, hide, and flee from her residence. In her statement, Witness 1 stated "that she saw nothing but evil in Subject 1." Furthermore, Witness 1 related that Subject 1 stated, "I ain't going back to jail, somebody's gonna die!"

Officers A, B, and C found Subject 1 hiding in the basement utility/laundry room. Subject 1 was armed with a large chef's knife in each hand. Officer A gave Subject 1 verbal commands to drop the knives. Subject 1 replied to Officer A, "I ain't dropping shit!" Subject 1 raised his right hand in a striking manner and lunged toward Officer A. Officers A, B, and C discharged their weapon multiple times toward Subject 1. Subject 1 was fatally struck multiple times about his body. Based on the totality of the circumstances of this incident, Officers A, B, and C were in compliance with the Chicago

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Police Department's Deadly Force policy, and Use of Force Model. Officers A, B, and C were justified in their use of deadly force.