

INDEPENDENT POLICE REVIEW AUTHORITY
Log #1069378/U #14-14

INVESTIGATION

NUMBER: Log #1069378/U #14-14

INVOLVED

OFFICER: “Officer A” (Chicago Police Officer); Male/White; 30 years old;
On-Duty; Year of Appointment – 2007

**OFFICER’S
INJURIES:** None Reported

SUBJECT: “Subject 1”; Male/Black; 62 years old

**SUBJECT’S
INJURIES:** Transported to Christ hospital with one gunshot wound to left arm and one
gunshot wound to left side chest – Deceased

WITNESS

OFFICER: “Officer B” (Chicago Police Officer); Male/Hispanic; 32 years old;
On-Duty; Year of Appointment – 2007

**DATE & TIME OF
INCIDENT:**

24 May 2014, 2326 hours

LOCATION: 7059 S. Racine Avenue, Chicago, IL 60636

SUMMARY OF INCIDENT:

This investigation, in conjunction with information gained through the investigation initiated by the Chicago Police Department (CPD) revealed the following:

On 24 May 2014, at approximately 2326 hours, Chicago Fire Department (CFD) Ambulance 14 and Truck 20 were responding to a call of a stabbing at 7010 S. Racine Avenue. Ambulance 14 approached 71st Street and Racine Avenue and observed Subject 1, the involved subject, standing in the street while holding a knife. Subject 1 subsequently jumped on the ambulance in an attempt to gain entry, but the vehicle moved forward and Subject 1 jumped off of it. Personnel within Ambulance 14 subsequently warned personnel within Truck 20 of Subject 1's presence. As Truck 20 approached the scene, Subject 1 jumped on the front passenger's side door of that vehicle, while still holding the knife, and attempted to gain entry. CFD personnel within Truck 20 radioed in a 10-1 call for police assistance and the vehicle began moving forward even though Subject 1 was still holding on to the fire engine. At some point, Subject 1 either released his grip or fell from the vehicle just west of 7010 S. Racine Avenue.

Beat 723R, a marked CPD Tahoe, occupied by Officers A and B, responded to the 10-1 call. As the two officers were heading north on Racine Avenue and approached 71st Street, they observed Subject 1 standing at approximately 7059 S. Racine Street holding a knife. Subject 1 subsequently approached the passenger's side of the police vehicle and the two officers, while still in their marked SUV, repeatedly ordered him to drop the knife. Subject 1, however, moved towards Officer A who was seated in the passenger's seat of the police vehicle while the window was completely lowered. Given that Subject 1 refused to drop the knife and continued moving towards Officer A, Officer A, in fear for his life, discharged his firearm twice, striking Subject 1 in the left chest and left arm. Truck 20 quickly returned to the scene to provide medical assistance. Subject 1 was transported to Christ Hospital where he was pronounced dead.

INVESTIGATION:

Department Reports, the Tactical Response Report (TRR), Officer's Battery Report (OBR) and Detective Supplemental Report all provided information that is consistent as outlined in the Summary of Incident section of this report.

The **OEMC** and **PCAD Reports** were collected and made part of this investigation. An analysis of said reports documented no information that is inconsistent with the facts as related by all of the involved individuals. Attempts were made to contact all individuals who called 911 but did not result in the identification of any additional eyewitnesses.

The **CFD Run Sheet** documents that Ambulance 58 was called to the location of this incident in response to a person who had been shot. Upon arrival, the paramedics found Subject 1 lying on his back in the street and were informed by personnel of Truck 20 that he had also attempted to stab them as they responded to a different call. Gunshot wounds were noted to the upper left chest and upper left shoulder area. At first, the paramedics believed Subject 1 was deceased as a pulse could not be found but upon being attached to a cardiac monitor, a heart rate was detected. Life saving measures were instituted but Subject 1 went into Cardiac Arrest while en route to Christ Hospital. Emergency Room personnel subsequently took over attempts to resuscitate Subject 1 upon arrival without success.

A **canvass** of the area of the incident was conducted in an attempt to locate additional witnesses and/or evidence. No additional witnesses and/or evidence were located or obtained.

In-Car Camera video from the vehicle in which the involved officers were assigned was not recovered. In their respective statements, Officers A and B indicated that the in-car camera in their vehicle (Beat 723R) was inoperable at the start of their shift. A Department Supplemental report documents that Officer C, was called to the location of this Officer Involved Shooting to retrieve video from the in-car camera of the involved officers. Officer C noted the camera in the same vehicle was not starting. Officer C corrected the issue by replacing system files and the camera then became operational. The original ticket, #5589203 regarding the camera malfunction, was created on 04 September 2013. Video obtained from vehicle #8707/Beat 743 did not capture the incident. Surveillance camera **video from nearby Carrie Jacob Bond Elementary School** did not capture the incident.

Evidence Technician Photographs and Video documented the crime scene, the involved officers, and the knife Subject 1 was brandishing during this incident.

A Report from the Office of the Cook County Medical Examiner¹ documents that distant range gunshot wounds were observed to Subject 1's left upper chest and left shoulder areas. Large

1. IPRA investigators attended the autopsy and a report regarding such provides essentially the same details of the gunshot wounds as the Medical Examiner's report. See attachment #23 for more details.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1069378/U #14-14

caliber copper jacketed bullets were recovered from his upper torso and submitted for evidence. Traces of Benzoyllecgonine and Cocaine were found in Subject 1's blood and urine. The cause of death was multiple gunshot wounds and the manner of death was homicide. Photographs supplied by the Medical Examiner's Office show the location of the gunshot wounds. In a follow-up conversation with Doctor A, the Assistant Medical Examiner who preformed the Postmortem Examination of Subject 1, Doctor A noted that depending on the type of weapon and how it was used, a distant range gunshot wound would include gunshots outside of the two to three foot range.

A Laboratory Report from the Illinois State Police (ISP), dated 02 July 2014 documents that Officer A's gun was test fired and found to be operable. **Laboratory Reports from the ISP**, dated 15 and 19 August 2014, document that no blood or latent prints suitable for comparison were recovered from Subject 1's knife.

In his statement to IPRA on 06 June 2014, **Witness 1** stated that on 24 May 2014, at approximately 2200 hours, he was alone in his vehicle and traveling east on 71st Street. He came to a stop at a red light at Racine Avenue and, while waiting for the light to turn green, he heard a siren and then observed a marked CPD SUV traveling north on Racine Avenue. The same police SUV then came to a stop on the northeast corner of the same intersection. An unidentified black male then walked towards the front of the police vehicle. Witness 1 then heard two gunshots in quick succession and observed the same black male individual fall to the pavement. Both officers then exited the marked SUV and approached the same black male subject as he was lying in front of the police vehicle. Upon inquiry, Witness 1 stated that there was also a large fire engine parked on the northwest corner of the intersection.

Witness 1 remained at the stop light for approximately ten minutes after the shots were fired, and then drove through the intersection and away from the scene. Witness 1 indicated the black male subject was moving his hands, as if he was gesturing while speaking, as he was standing in front of the police vehicle prior to the gunshots. He added that he did not know if the passenger's side door of the police vehicle was open when the shots were fired. Witness 1 stated he could not determine the distance between the black male subject and the police SUV when the shots were fired, as he did not actually observe the officer discharge his firearm. Witness 1 also noted he did not observe the black male subject holding a weapon as he (Subject 1) walked towards the front of the police vehicle. He indicated, however, that due to the fact this incident occurred when it was dark and the area around its location was not well lit, he could not definitively determine if the black male subject was holding any type of weapon or not.

Witness 1 stated the windows of his vehicle where lowered when he stopped at the intersection of 71st Street and Racine Avenue. Despite this, he was unable to hear any conversation between the black male subject and officers in the marked SUV. He added that he felt the police were not in any danger from the black male subject because they were in their police vehicle when he walked towards that automobile. Upon inquiry, Witness 1 indicated, however, he did not witness any of the events of the incident prior to the marked SUV arriving at the scene. Witness 1 stated he did not observe the black male subject until he approached the marked SUV.

INDEPENDENT POLICE REVIEW AUTHORITY
Log #1069378/U #14-14

In their respective statements, witness **Paramedics 1 and 2, CFD**, indicated they were assigned to Ambulance 14 and were dispatched to the location of 7010 S. Racine Avenue in response to a call of a person who had been stabbed. While heading west on 71st Street, they encountered Subject 1 but believed he was attempting to get their attention in regards to the stabbing to which they were responding. Paramedic 1 lowered the vehicle's driver's side window and noticed that Subject 1 was holding a knife. Paramedic 2 hollered for his partner to raise the same window. Subject 1 subsequently jumped onto the vehicle's running board while attempting to stab Paramedic 1. As Paramedic 1 attempted to leave the area, Subject 1 jumped off of the ambulance. Both paramedics indicated Subject 1 displayed an unusual look about his eyes and face when he approached their ambulance. They added that as they left the scene in order to rendezvous with Truck 20, they observed Subject 1 making stabbing motions at other vehicles.

Paramedic 1 called, via radio, to Truck 20 and warned them of Subject 1's attempts to stab them. Moments later, the paramedics encountered Truck 20 and again informed them about Subject 1. They called for police assistance and returned to 7010 S. Racine Avenue to locate the person who had been stabbed. Upon locating the stabbing victim, they rendered aide, and as they were placing the patient into the ambulance, heard two quick gunshots. From there, they transported the patient to Christ Hospital for further treatment. Both paramedics indicated they did not actually witness Subject 1 being shot due to their positioning while in or near their ambulance. They added they also did not witness Subject 1 grab onto Truck 20 as they were attending to their patient at that time. Paramedic 2 indicated he called for an additional ambulance to respond to the scene when he was informed Subject 1 had been shot by a police officer. Ambulance 58 responded and transported Subject 1 from the scene.

In their respective statements, Witness Fire Fighters **1, 2, 3, 4 and 5, CFD**, provided accounts of this incident consistent with the Summary portion of this report and relevant Department reports.

In his statement to IPRA on 25 MAY 2014, **Witness Officer B**, provided his account of this incident that was consistent with all Department reports and the Summary portion of this report. Officer B added he was the driver of the CPD SUV and observed Subject 1 holding a knife in his left hand immediately upon his arrival at the location of this incident. Officer B brought the police vehicle to a stop, but Subject 1, who was approximately 30 feet in front of them, began quickly walking towards him and Officer A. Both officers gave Subject 1 multiple commands to halt and drop the knife, but he refused to do so and held the knife over his head. When Subject 1 came within five feet of the police vehicle, Officer A twice discharged his firearm in rapid succession and Subject 1 fell to the ground. Officer B stated Subject 1 approached the police vehicle in such a quick manner that neither he nor his partner had the opportunity to exit before Officer A discharged his weapon.

In his statement to IPRA on 25 MAY 2014, **Involved Officer A**, provided his account of this incident that was consistent with all Department reports and the Summary portion of this report. Officer A added that Subject 1 approached the police vehicle very quickly in a fighting/attack

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1069378/U #14-14

stance. As the police vehicle came to a stop, Officer A observed that Subject 1 was holding a long knife measuring approximately one foot in length and subsequently ordered him to drop it. Subject 1 refused and quickly closed the distance between him and the police vehicle. Subject 1 made his way past the police vehicle's mirror and then dropped one hand towards the door while still holding the knife in the opposite hand. At that time, Officer A discharged his firearm two times at Subject 1, who subsequently stumbled backwards and fell to the ground. Upon inquiry, Officer A stated he removed his firearm from his holster as soon as he observed Subject 1 holding a knife. He added he felt he had no other option but to discharge his firearm in order to stop Subject 1 as he (Subject 1) approached the vehicle in a threatening manner.

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 Statues. According to the CPD's General Order G03-02-03, Section 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.

Based upon the evidence obtained as a result of this investigation, Officer A's discharging of his firearm at Subject 1 was in compliance with the aforementioned General Order regarding the use of deadly force. Subject 1 posed a great danger of bodily harm to not only Officer A, but also to the CFD personnel whom Subject 1 attempted to injure prior to the arrival of the involved officers. The accounts of CFD personnel are all consistent regarding Subject 1's actions as they arrived at the location of this incident. They depict Subject 1's as acting in a threatening manner as he attempted to stab Paramedic 1 and Firefighter 3 by jumping onto their respective vehicles. Subject 1 was clearly acting erratically and the autopsy report noted the presence of narcotics in his blood and urine.

Witness 1, a witness to the incident, stated he did not believe the involved officers were in any danger from Subject 1 as they were sitting in a vehicle. He indicated, however, due to poor lighting conditions, he could not determine if Subject 1 was brandishing a knife. Additionally, Witness 1 indicated he did not witness the events leading up to this officer involved shooting, nor could he hear what the involved and/or witness officer said to Subject 1 prior to Officer A discharging his weapon. Furthermore he could not determine the distance between Subject 1 and Officer A when the shots were fired, which, by his own admission, he did not witness. Thus, his belief regarding the lack of danger Subject 1 posed to the officers is solely based on his perception of what occurred and is not consistent with any other accounts of the incident.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1069378/U #14-14

Officer A indicated that Subject 1 refused to adhere to commands to drop the knife and quickly approached the police vehicle in a fighting/attack stance. He added that Subject 1 was very close to the police vehicle and may have been reaching for the door, and thus, had no alternative but to discharge his weapon to stop Subject 1. The evidence shows Subject 1 posed a grave danger the involved officers and thus, Officer A was justified in discharging his firearm at Subject 1.