

**TO:** Chief Administrator  
Independent Police Review Authority

**FROM:** IPRA Investigator A, #XXX

**SUBJECT:** Log #1072297  
U# 14-038

**LOCATION:** XXXX S. Wood Street

**REFERENCE:** RD# HX-XXXXXX/ Event #1430216720  
Attempt Murder-First Degree

**INVOLVED OFFICER #1:** Officer A; Chicago Police Officer; Star #XXXX; W/M; Unit XXX; Employee #XXXXX; DOB: XX XXXX; DOA: XX XXXX; On-Duty; plainclothes; in Beat XXX.

**OFFICER #1's WEAPON:** Smith & Wesson Model XXXX; 9mm Semi-Automatic; Serial #XXXXXXX;  
City Registration #XXXXXX; FOID #XXXXXX; Fired (14) rounds, Department Issued Ammunition.

**OFFICER #1's INJURIES:** None Reported

**INVOLVED OFFICER #2:** Officer B; Chicago Police Officer; Star #XXXXX; W/M; Unit XXX; Employee #XXXXXX; DOB: XX XXXX; DOA: XX XXXX; On-Duty; plainclothes; in Beat XXX.

**OFFICER #2's WEAPON:** Smith & Wesson Model M&P; 9mm Semi-Automatic; Serial XXXXXXXX;  
City Registration #XXXXXXXXX; FOID #XXXXXXXXX; Fired (16) rounds, Department Issued Ammunition.

**OFFICER #2's INJURIES:** None Reported

**SUBJECT:** Subject 3; B/M; DOB: XX XXXX; Address: XXXX S. Laflin Street, Chicago, IL XXXXX, IR #XXXXXXXX.

**SUBJECT'S WEAPON:** Millennium Model PT145 Pro; .45 Caliber Semi-Automatic Handgun; (Inv. #XXXXXXXX).

**SUBJECT'S INJURIES:** Multiple gunshot wounds; Non-Fatal.

**IPRA** IPRA First Deputy Chief A

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**NOTIFICATIONS:** IPRA Deputy Chief A  
IPRA Supervising Investigator B  
IPRA Investigator C  
IPRA Director of Community Outreach & Engagement A

**DATE & TIME OF INCIDENT:** 29 October 2014, at approximately 2305 hours

**TIME OF IPRA NOTIFICATION:** 29 October 2014, at approximately 2345 hours

**TIME IPRA ARRIVED ON-SCENE:** 29 October 2014, at approximately 0030 hours

**INTRODUCTION:**

On 29 October 2014, at approximately 2303 hours, Officer A, Officer B, and Officer C, #XXXXXX, were working the XXX District robbery detail. While on patrol, the officers observed two male subjects, now known as Subject 1 and Subject 2, on the south sidewalk in front of XXXX W. XX Street. The officers stopped and exited their unmarked vehicle to conduct a curfew investigation.

During their investigation with Subject 1 and Subject 2, the officers heard gunshots east of XX Street. The officers began to walk towards the sound of an apparent gun battle taking place on West XX Street. Officer B walked eastbound on the south sidewalk of XX Street toward Wood Street while Officer A traveled across XX Street to the north sidewalk and then east on the north sidewalk, adjacent to Cornell Square Park. In the meantime, Officer C remained with Subject 1 and Subject 2.

As Officers A and B were investigating the gunshots, they observed a male subject, now known as Subject 3, south of XX Street on the west side of Wood Street pointing a firearm at them. Officers A and B maneuvered for cover, at which time Subject 3 fired his weapon two to three times in their direction. Officers A and B fired their weapons at Subject 3 striking him multiple times. Subject 3 collapsed in front of XXXX S. Wood Street. A firearm was recovered from next to Subject 3.

Two additional firearms, and a number of fired cartridge casings and projectiles were recovered from XXXX S. Wood Street and XXXX S. Wood Street, supporting the belief that a gun battle was occurring prior to the officer's arrival.

Subject 3 was transported to Hospital 1 where he was treated for gunshot wounds to his left shoulder, left mid-thigh, right buttock, right side of his head, right forearm, right ankle and a graze wound to his left buttock. Subject 3 survived his injuries and was later arrested.

**APPLICABLE RULES:**

Chicago Police Department General Order, GO 03-02-03; Deadly Force

## INVESTIGATION:

According to the **Department Reports, (Arrest and Case Incident)** while on routine patrol, Officer A and Officer B heard multiple shots fired in the area of XX and Wood Street. Officer A and Officer B responded to XX and Wood Street and exited their police vehicle. Officer A and Officer B observed Subject 3 with a handgun pointed at them and he fired multiple times in the officers' direction, placing them in fear for their lives. (Atts. #6, 48)

The **Detectives Supplemental Report** documented in essence the same information provided in the Summary of this report, the Departmental reports, and the information provided by the involved officers and witnesses. In addition, the detectives interviewed **witness Subject 1** at Hospital 1 following the incident. Subject 1 related that earlier in the evening of 21 Jan 14, he and a friend Subject 2 were walking west on XX Street when police officers stopped them. The officers exited the police vehicle and began speaking to Subject 1 and Subject 2. At this time, several gunshots were heard in the immediate area. One of the officers told Subject 1 to run away, but Subject 1 and Subject 2 remained by the police vehicle. One of the officers ran to the corner of XX and Wood Street and started to fire his weapon south on Wood Street. Several police officers arrived at the scene at which time Subject 1 ran to XX and Wood Street and saw that the police officers had shot his cousin, Subject 3. Subject 1 called Subject 3's mother and informed her that Subject 3 had been shot. (Att. #46, Pgs. 16-17)

The detectives also interviewed **witness Subject 2** who stated that on the night of the incident, he parked his Ford Explorer at XX and Wood Street and went for a walk with a friend Subject 1, leaving his two friends, Civilian 1 and Civilian 2 with the vehicle. Subject 2 and Subject 1 were stopped by three police officers on XX Street west of Wood Street. The officers exited their police vehicle and asked questions of the two individuals (NFI). As the police officers were questioning Subject 2 and Subject 1, Subject 2 heard several gunshots in the area of 50<sup>th</sup> and Wood Street. The officers told Subject 2 and Subject 1 to leave the area, and Subject 2 ran west to XX Street and then south on Honore Street. Subject 2 continued running and came to a stop at XX and Wood Street, where he left his vehicle parked. The police did not allow Subject 2 near the area. Subject 2 observed a body on the ground and wanted to learn the identity of the person that was shot. Subject 2 took off his shirt and told the officers that he did not have any weapons and told the officers that he had been with police officers prior to the shooting. The officers then transported Subject 2 to the Area Central Detective Division. Subject 2 agreed to submit to a gunshot residue test.<sup>1</sup>

According to **Tactical Response Reports (TRR)**, completed by Officer B and Officer A, Subject 3 did not follow verbal direction, was an imminent threat of battery, and pointed a weapon in the direction of Officers B and A. Officers B and A responded with member presence and verbal commands, and discharged their firearms. (Atts. #8, 61)

According to the **Officer's Battery Reports (OBR)**, Officer B and Officer A were on-duty in civilian dress and working with an additional officer [PO Officer C]. Subject 3 shot at

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<sup>1</sup> Subject 2 tested negative for GSR41.

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Officer B and Officer A with a .45 caliber semi-automatic firearm. Officer B and Officer A did not sustain any injuries. (Atts. #9, 62)

The **Chicago Police Department Arrest, Original Incident Report, and Tactical Response Report** relating to Subject 4 are reported under RD #HXXXXXXXXX and CB#XXXXXXXXX. The reports indicate that while responding officers were securing the crime scene with crime scene tape, Subject 4 refused to follow verbal commands to step back away from the crime scene. Subject 4 was subsequently arrested and found to be in possession of a Titan model Tiger .38 special revolver with a two-inch barrel and Serial number #XXXXXXXX. The weapon was recovered by an evidence technician and Subject 4 was placed in custody. (Atts. #3-5)

IPRA Investigators conducted a **canvass** of the location of the incident, but were unable to locate any eyewitnesses to the incident.

The video footage from **POD #003 was ordered and obtained**. The POD did not capture the incident. It should be noted that there is no known video footage that captures any portion of this incident. (Atts. #19-20)

The **Chicago Fire Department Ambulance Report** documents that EMS personnel responded to approximately XXXX S. Wood Street, at approximately 2310 hours. The report further documents that EMS personnel found Subject 3 on the ground with multiple gunshot wounds to his left thigh, right arm, right shoulder, right ankle, and the back of his head. Subject 3 was unresponsive and was transported to Hospital 1 for medical care. (Att. #23)

The **Medical Records obtained from Hospital 1** indicate that Subject 3 arrived at the hospital in critical condition with multiple gunshot wounds to his left shoulder, left mid-thigh, and right buttock, right side of his head, right forearm, right ankle and graze wound to his left buttock. Subject 3 had intra-abdominal bleeding from the gunshot wounds and extensive hemorrhagic fluid throughout his abdomen and pelvis area. Subject 3 underwent surgery. (Att. #50)

**Evidence Technician Photographs** depict Subject 3 and his personal belongings; the crime scene; fired ballistic evidence and the firearm Subject 3 allegedly used during the incident. (Att. #26)

**Illinois State Police Forensic Science Laboratory Reports (ISP)** documents the examination of the recovered ballistic evidence in this incident. An analysis of the reports, in conjunction with the crime scene processing reports and inventoried evidence, shows the following:

Fifteen (15) 9mm fired cartridge cases recovered from the area of XXXX S. Wood Street were fired from the Smith & Wesson M&P 9mm firearm belonging to Officer B.<sup>2</sup>

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<sup>2</sup> Officer B's TRR indicates that he fired 16 rounds (Pg. 3). It is noted that 1 live cartridge was recovered from his weapon and 15 fired cartridge cases were recovered from the scene. Officer B's Smith & Wesson M&P 9mm has a total capacity of 17+1. At this time, it is unknown if Officer B's weapon was fully loaded or if there is ballistic evidence that was not located and collected.

Fourteen (14) 9mm fired cartridge cases recovered from the area of XXXX S. Wood Street were fired from the Smith & Wesson XXXX 9mm firearm belonging to Officer A.

Twelve (12) .45 caliber fired cartridge cases recovered from the street and sidewalk between XXXX S. Wood St and XXXX S. Wood Street were examined. Eight (8) of the casings were fired from the Taurus PT145 Pro .45 caliber semiautomatic pistol reportedly belonging to Subject 3. The remaining four (4) fired cartridge cases could not be identified or eliminated as being fired from Subject 3's firearm.

The examination of the Taurus PT145 Semi-Automatic pistol did not reveal any latent print impressions suitable for comparison. A blood swab collected is listed as being suitable for comparison, should a known buccal standard be collected for comparison.

Twelve (12) 9mm fired cartridge cases recovered from XXXX W. XX Street were examined. Two (2) of the casings were fired from the Taurus PT111 Pro 9mm semiautomatic pistol recovered from XXXX S. Wood Street

The remaining ten (10) fired cartridge cases could not be identified or eliminated as being fired from this particular weapon. The examination of the Taurus PT111 did not reveal any latent print impressions suitable for comparison.

One (1) recovered fired bullet fragment was consistent with being fired from a .38 caliber/9mm handgun. Shell casings recovered at approximately XXXX W. XX Street were fired from an Arminius Titan Tiger 38 Caliber, six shot revolver, Serial #XXXXXXXX (Inv. #13303644)<sup>3</sup>.

Two (2) recovered fired bullet fragments were consistent with having been fired from a .45 caliber semiautomatic pistol, though the reports indicate this evidence was not fired from Subject 3's firearm.

The reports further document that the GSR swab collected from Subject 3, Civilian 3<sup>4</sup>, and Civilian 1<sup>5</sup> all show positive results for gunshot residue in that they discharged a firearm, had contact with an item with gunshot residue, and/or had their right hands in the environment of a discharged firearm. (Atts. #51-56)

**The Complaint at Law in the United States District Court for the Northern District of Illinois Eastern Division (15-CV-09586)**, indicates that on 29 October 2014, Officer A and Officer B used excessive, unnecessary, and/or unreasonable force when they shot Subject 3. On 6 December 2016, Judge A dismissed the suit against the Chicago Police Department and the Involved Members. This action was decided by the Judge on a motion to dismiss. That dismissal order has been sealed. (Att. #76)

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<sup>3</sup> This is the weapon later recovered from Subject 4.

<sup>4</sup> Civilian 3 was taken into custody as a subject in the initial shots fired, but was not charged.

<sup>5</sup> Civilian 1 was taken into custody as a subject in the initial shots fired, but was not charged.

In connection with this incident, Subject 3 was **charged as a juvenile**, with a habitual juvenile offender enhancement added. Per a plea agreement, that enhancement was withdrawn and Subject 3 pled guilty to aggravated discharge of a firearm. On 17 February 2016, Subject 3 was sentenced to the Illinois Department of Juvenile Justice. His status at this time is unknown.

The **Office of Emergency Management and Communication (OEMC) Event Queries and Radio Transmissions** documented that a 10-1<sup>6</sup> was called at 2304 hours at XXXX S. Wood Street. Numerous units responded to the scene and an ambulance was called. The audio recorded entries relevant to the incident are summarized as follows:

At 2304 hours, a male 911 caller reported that he heard multiple gunshots in the vicinity of XX Street and Hermitage Ave.

At 2304 hours, a female 911 caller reported that she heard over 10 gunshots in the vicinity of XX and Wood Street.

At 2304 hours, a male 911 caller reported that he heard approximately 10-12 gunshots in the vicinity of XX Street and Damen Ave.

At 2304 hours, a male 911 caller reported that he heard approximately 50 gunshots in the vicinity of XXXX S. Marshfield Ave.

At 2304 hours, a female caller reported that she heard 16 gunshots in the vicinity of XX and Justin St. The caller reported that she lived at XXXX S. Ashland Ave.

At 2304 hours, a female caller reported that she heard 6-7 gunshots in the vicinity of XX and Paulina Street. The female caller stated that there were people shouting outside and that she did not know if someone was shot.

At 2304 hours, Beat XXX reported shots fired by the police; an ambulance was requested and additional units were asked to establish a perimeter around the scene.

At 2305 hours, a female caller reported that she heard an exchange of gunfire in Cornel Square Park at XX and Damen Ave. The caller did not see any of the people shooting.

At 2306 hours, a female caller requested paramedics to XX and Wood St.

At 2306 hours, a female caller reported the police shot “three of her family members for no reason” at XX and Wood St. The caller requested paramedics at the location of the incident.

At 2307 hours, a female caller reported that she lived at XXXX S. Wolcott Ave and she heard 20 gunshots.

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<sup>6</sup> 10-1 is a Chicago Police radio code for officer needs immediate assistance.

At 2309 hours, a male caller reported that he was at 47<sup>th</sup> and Wood St. and someone left a red truck (license plate #XXXXXXX) abandoned. The caller reported that there were “a lot of gunshots” in the area. (Atts. #64-75)

### CIVILIAN WITNESS STATEMENTS

In a **statement to IPRA on 30 October 2014 at 1743 hours, witness Civilian 1** stated that prior to the police shooting, he and his friends Subject 2 and Civilian 2 went to XXXX S. South Wood Street. Subject 2 exited the vehicle to speak with a female. Civilian 1 stated that while he and Civilian 2 waited for Subject 2, he observed approximately seven to eight males, including his friend, Subject 3, standing at the corner of XX and Wood Street. Civilian 1 began to fall asleep in the vehicle and woke up when he heard gunshots near the corner of XX and Wood Street. A short time later, he heard additional gunshots, at which time he looked and saw Subject 3 on the corner. Civilian 1 heard a third set of gunshots at which time he took cover in the back seat and laid on the vehicle floor. Civilian 1 then heard the police shout, “Get down, get down.” Civilian 1 looked out of the window and observed Subject 3 lying on the sidewalk. Civilian 1 stated that he did not observe Subject 3 shoot at weapon nor did he observe a weapon near Subject 3 when he was lying on the sidewalk. Additional officers responded to the scene and transported Civilian 1 to Area Central Detective Division where he agreed to a gunshot residue test.<sup>7</sup> (Att. #34)

On 11 December 2014, IPRA Investigator A spoke via telephone to Subject 3’s **Juvenile Public Defender A**, who said that because of the nature of the criminal charges against Suspect 3, she would not agree to allow the R/I to interview Subject 3. (Att. #49)

On 24 April 2014, IPRA Investigator A spoke via telephone to Subject 3’s mother, **Civilian 4**, who stated that Subject 3 did not recall what occurred during the incident. Civilian 4 stated that Subject 3 has suffered memory loss associated with the head injury he sustained from the incident.<sup>8</sup> Civilian 4 said that sometime following the incident, the Juvenile Detention Center sent Subject 3 home with her for in home medical care. Subject 3 was sent back to the Juvenile Detention Center in March of 2015. (Att. #58)

IPRA Investigator A attempted to interview Subject 1. During a telephone conversation, Subject 1 reiterated the same account of the incident as indicated in the Detective’s Supplemental Report. Subject 1 said that he had nothing further to add regarding what occurred during the incident. (Att. #58)

Attempts to obtain statements from witnesses Civilian 2 and Subject 2 via telephone, U.S. mail, and/or personal visit were unsuccessful. Civilian 2 and Subject 2 were detained on the

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<sup>7</sup> Civilian 1 tested positive for gunshot residue in that he discharged a firearm, had contact with an item with gunshot residue, and/or had his right hands in the environment of a discharged firearm.

<sup>8</sup> On 24 April 2014, IPRA Investigator A spoke to witness Subject 1, who stated that after the incident occurred, Subject 3 told him that he did not recall what happened during the incident.

night of the incident, questioned by detectives, and agreed to a GSR testing. The test results for Civilian 2 and Subject 2 were negative in that they did not discharge a firearm. (Atts. #39, 56-61)

## POLICE OFFICER STATEMENTS

### OFFICER C

In a **statement to IPRA, witness Officer C, #XXXXX**, provided his account of this event. Officer C explained that he, Officer B, and Officer A were assigned to Beat XXX. Officer C was the driver of the unmarked squad car. Officer C stated that prior to the shooting, he and the other officers were conducting a field interview with two black males at XXXX W. XX Street. While running a name check of the two males, Officer C heard approximately five gunshots fired in their immediate area. All three of the officers immediately took cover. Several seconds later, Officer C heard another series of gunshots fired north or east of his location.<sup>9</sup> The officers terminated their field interview with the two black males and headed west on XX Street.

Officer B and Officer A hurriedly began to walk east toward XX and Wood Street. Officer C notified dispatch of the gunshots, entered the squad car, and as he prepared to drive to XX and Wood Street, he heard one of the officers yell, "Police, drop the gun, drop the gun." Officer C then observed Officer B and Officer A fire their weapons toward the XXXX block of south Wood Street. Officer C immediately exited the squad car and ran toward his partners, who both continued to yell, "Police, drop the gun, drop the gun." Upon his arrival to the southbound corner of Wood Street, Officer C observed a black male, now known as Subject 3, lying on the sidewalk with a black handgun next to his body. (Att. #37)

### OFFICER A

In a **statement to IPRA, involved Officer A, #XXXX**, provided his account of this event. Officer A explained that prior to him firing his weapon, he observed Subject 3 standing on the corner of XX and Wood Street with a gun in his hand, pointed in Officer A's direction. Officer A was at the northwest corner, in between the intersection and crosswalk.<sup>10</sup> Subject 3 pointed the gun at Officer A and fired it once or twice. Officer A yelled multiple times, "Stop, Police, Police." Officer A stated that he was in fear for his life and the lives of his partners. Officer A stated that he pointed his weapon at Subject 3 and fired it eight to ten times.<sup>11</sup> Subject 3 fell to the ground and dropped his gun. Officer A did not know how many of his shots hit Subject 3, or where on Subject 3's body those shots would have hit. Officer B and Officer A approached Subject 3 and began to secure the area. Officer A made notifications via the police radio. A crowd of people began to form in the immediate area and out of safety concerns, Officer A

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<sup>9</sup> Officer C heard two or three times more gunshots as the first series of gunshots.

<sup>10</sup> Officer A stated that Subject 3 was "a street length and possibly a couple of sidewalk squares" from his position.

<sup>11</sup> Officer A fired fourteen times.

secured Subject 3's firearm. Officer A explained that he used a glove to pick up the firearm and relinquished it to Sergeant A who secured it in the trunk of his squad car. (Atts. #41-42).

### **OFFICER B**

In a **statement to IPRA, involved Officer B, #XXXXX**, provided his account of this event. Officer B explained that when he heard numerous gunshots east of his location, he pushed either Subject 1 or Subject 2 down to the sidewalk to protect them. Officer B was standing at the passenger side of the squad car on the sidewalk on the south side of XX Street and Officer A was standing along the driver's side of the car. Officer B began to walk east on XX Street, on the south side of the street, while Officer A was across the street on the north sidewalk of XX Street. Officer B stated that he unholstered his weapon as he approached the intersection of XX and Wood Street. Officer B observed Suspect 3 crouched down at the southeast corner of XX and Wood Street (on the side of the Store 1). Officer B stated that Subject 3 had a weapon pointed at him. Officer B yelled at Subject 3 to drop the gun, at which time Subject 3 fired his gun one to three times. Officer B ducked down at the corner of the store, in fear for his life. Officer B looked again in Subject 3's direction and observed that Subject 3 was still in the same location. Officer B fired his weapon approximately ten to twelve times.<sup>12</sup> Officer B approached Subject 3, followed by Officer A. Officer B explained that Subject 3 was on lying on the ground on Wood Street, with his head facing south. The officers made notification to the Department and secured the area. (Atts. #44-45)

### **CONCLUSION AND FINDINGS:**

The Chicago Police Department's General Order governing the Use of Deadly Force is outlined in G.O. 03-02-03(III):

A. "a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

1. to prevent death or great bodily harm to the sworn member or to another person, or;

In this particular incident, Officer A and Officer B encountered Subject 3 at the moment that Subject 3 was engaged in an apparent gun battle with other unknown persons. Several firearms and a litany of additional ballistic evidence, not connected to the officer involved shooting, was later recovered from W. XX Street. Though not required to delay before utilizing deadly force against Subject 3, both officers announced their office and ordered Subject 3 to drop his firearm. Subject 3 did not comply, and in fact fired at the officers at least twice.

Officer A and Officer B, in reasonable fear for their safety, both fired their weapons at Subject 3. Subject 3 was struck by the officers' gunfire, collapsed on the street at XXXX S. Wood Street, and dropped his Taurus Millennium PT145 semi-automatic pistol.

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<sup>12</sup> Officer B actually fired 16 shots.

**1. Officer A and Officer B reasonably believed that Subject 3 was a threat because he wielded a firearm as he fired at other persons, and then at the officers.**

A preponderance of the evidence shows that Subject 3 was armed, and was actively firing his weapon. This is established by the physical evidence, which shows that Gun Shot Residue (GSR) was present on Subject 3's right hand and that the Taurus PT145 semi-automatic pistol recovered from Subject 3 was fired at least eight times, as casings matching this weapon were found between XXXX-XXXX S. Wood Street.

The assertion that Subject 3 was armed is further supported by the statements of Officer B and Officer A, who observed Subject 3 firing his handgun multiple times. Officer B and Officer A also observed the Taurus PT145 semi-automatic pistol on the ground near Subject 3 immediately after the shooting.

**2. Officer A's and Officer B's belief that Subject 3 presented an immediate threat of death or great bodily harm was objectively reasonable under the circumstances.**

As outlined above, the evidence supports that at the time the officers came into contact with Subject 3, he was actively engaged in a gun battle with another person(s). Ballistic evidence collected and analyzed shows that at least four, and possibly five, firearms – other than those belonging to the involved officers – were being used in the exchange of gunfire that led the officers to respond. One of these weapons, the Taurus PT145 semi-automatic pistol recovered from Subject 3's possession, was fired at least eight (8) times, and possibly as many as twelve (12) times.

The law is clear and well established regarding the use of deadly force by police officers. First, the analysis of the circumstances must be from a perspective of “a reasonable officer on the scene, rather than with the 20/20 vision of hindsight . . . We thus allow for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” *Plumhoff v. Rickard*, 134 S. Ct. 2012, 2020, 188 L. Ed. 2d 1056 (2014), quoting *Tennessee v. Garner*, 471 U.S. 1, 105 S. Ct. 1694, 85 L. Ed. 2d 1 (1985), internal quotation marks omitted. Also, such an analysis must take into account the totality of the circumstances confronting the officer, rather than just one or two factors. *Plumhoff*, 134 S. Ct. at 2020. See also *Scott v. Edinburg*, 346 F.3d 752, 756 (7th Cir. 2003).

In this particular instance, Officer A and Officer B found themselves within immediate proximity to a rapidly unfolding and dangerous event, as Subject 3 was actively shooting at other people. Given no warning nor time to consider alternate options, the officers utilized deadly force in attempting to protect their own lives, as well as the lives of any citizens in the area, including the two that they had just been interviewing. Though not required to delay, the officers chose to first announce their office and issue verbal commands for Subject 3 to drop his weapon and surrender. Rather than comply, Subject 3 instead raised his weapon towards the officers and fired directly at them at least twice.

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These circumstances, when evaluated in the spirit of the established case law, most certainly qualify as “tense, uncertain, and rapidly evolving.” Furthermore, the fundamental and uncontroverted principle of the Chicago Police Department’s use of Deadly Force Policy, as well as the coinciding state statute, clearly allow the use of deadly force when faced with such circumstances. In this instance, Subject 3 was shooting at other people, and then fired at the responding officers. The officers’ decision to return fire in order to protect themselves, and others, was clearly reasonable.

Based on the totality of the circumstances, IPRA finds that an officer with similar training and experience as Officer A and Officer B would reasonably believe that Subject 3 posed an immediate threat to his or her safety. IPRA finds that the use of deadly force by Officer A and Officer B is therefore objectively reasonable and within policy as outlined by the Use of Force Model; the Illinois State statute; and the Chicago Police Department’s General Order 03-02-03(III).