

TO: Chief Administrator
Independent Police Review Authority

FROM: IPRA Investigator A, #XXX

SUBJECT: Log #1073105
U #14-43

REFERENCE: RD #HX-XXXXXX, Battery- Aggravated PO: Knife/Cutting
Instrument
RD #HX-XXXXXX, Homicide- Justifiable Homicide

DATE/TIME: 25 December 2014, 1902 hours

LOCATION: XXX E. Marquette Road (Sidewalk)

INVOLVED OFFICER: Officer A; Chicago Police Officer, Star #XXXXXX, Unit XXX; white male; employee #XXXXXX; DOB: XX X XXXX; DOA: 19 February 2013; On-duty; in uniform.

OFFICER'S WEAPON: Smith & Wesson Bodyguard, Chief Special; 9mm Semi-Automatic pistol; Serial #XXXXXXXX; City Registration #XXXXXXXX; FOID #XXXXXXXX; Fired (2) times.

OFFICER'S INJURIES: Soreness to chest

WITNESS OFFICER: Officer B; Chicago Police Officer; Star #XXXX; Unit XXX; white male; employee #XXXX; DOB: X X XXXX; DOA: 31 August 2012; On-Duty, in uniform.

WITNESS OFFICER'S INJURIES: None Reported

SUBJECT: Subject 1; black male; DOB: X X XXXX; IR #XXXXXXXX; Address: XXX E. Marquette Road; Telephone: Unknown

SUBJECT'S WEAPON: Knife

SUBJECT'S**INJURIES:** Deceased; multiple gunshot wounds**IPRA****NOTIFICATIONS:** IPRA Chief of Staff
IPRA Deputy Chief
IPRA Supervising Investigator
IPRA Investigator A
IPRA Investigator B**TIME OF IPRA****NOTIFICATION:** 1950 hours**TIME IPRA****ARRIVED****ON SCENE:** 2030 hours**SUMMARY OF INCIDENT:**

On 25 December 2015, at approximately 1841 hours, Officer A, #XXXXXX, and Officer B, #XXXX, who were assigned to Beat XXX, a squadrol, responded to XXX E. Marquette Road for a call of a person threatening suicide. Upon their arrival, the officers parked their vehicle facing eastbound, on the northside of the street. The officers observed the subject, Subject 1, on the front porch of a grey stone building, at XXX E. Marquette Road. Officer A, the passenger officer, opened the squadrol door in order to exit the vehicle. Before Officer A could fully exit the squadrol, Subject 1 charged towards Officer A and attempted to stab him multiple times with a knife, while Officer A was still inside of the vehicle. Officer A attempted to close the squadrol door to force Subject 1 away from him. Subject 1's attempts to stab Officer A were unsuccessful, as each strike was deflected by Officer A's ballistic vest and vest carrier.

Once Officer A was able to push Subject 1 away from him, Subject 1 walked away from the squadrol, in a northeast direction. Subject 1 proceeded to the northeast corner of XXX E. Marquette Road, in the front yard, at which point he turned and faced the officers. Both officers repeatedly ordered Subject 1 to drop the knife. Subject 1 reached toward the center of his waist and bent his head down while holding the knife. Subject 1 then charged at the officers. Officer A fired his weapon twice, striking Subject 1 and causing him to drop his knife and fall to the ground. Subject 1 was transported to X Hospital where he later expired from his injuries.

INVESTIGATION:

CIVILIAN STATEMENTS

In a statement to IPRA on 26 December 2014, Civilian 1, who identified herself as a family friend of Subject 1, stated that on the date of incident Subject 1 told her that he was tired of the life he was living. Civilian 1 believed that Subject 1 planned to “make the police shoot him.”¹

Civilian 1 stated that Subject 1 was on a home monitoring device. Civilian 1 stated that earlier on the 25th of December, she received a telephone call from her oldest daughter, Civilian 2, who informed her that Subject 1 had removed his home monitoring band.

Civilian 1 stated that later in the day, she met with Subject 1 at her sister, Civilian 3’s residence, which is located at XXXX S. Rhodes Avenue. Subject 1 told her that he was, “tired of this life, tired of hurtin’.”² Civilian 1 stated that she and Subject 1 walked to their residence, located at XXX East Marquette Avenue. Civilian 1 stated that while in the kitchen, Subject 1 grabbed a knife and asked her to call the police to “come get”³ him. Civilian 1 stated that at that point, she became “scared”⁴ and asked Subject 1 if he was planning to have the police shoot him.⁵

Civilian 1 stated that at the same time, Civilian 2 walked into the kitchen; Subject 1 also asked her to call the police. Civilian 2 informed him that she was on the phone with the police.

Civilian 1 then stated that Subject 1 then asked her other daughter, “Civilian 4” to use her cell phone. Civilian 1 stated that Subject 1 dialed 911 and put the phone on speaker. While on the phone with 911, Subject 1 falsely identified himself as Civilian 5⁶ and informed the dispatcher that [she] allowed a “young man”⁷ to stay at [her] residence and that this young man had cut-off his home monitoring band and was waiting on the porch for police to arrive. Civilian 1 stated that the dispatcher asked who they were speaking with, at which time Subject 1 properly identified himself, to include description of the clothing he was wearing and his age.

Civilian 1 stated that Subject 1 put the knife that he had been holding in his back pocket, said “I love y’all,”⁸ and gave everyone a hug before exiting the residence. Civilian 1 stated that Civilian 2 went outside to try to talk to Subject 1 but he told her to go back in the house and to shut the door.

¹ *I.d.*, page 13-14, lines 32; 1.

² *I.d.*, page 7, lines 22-23.

³ *I.d.*, page 11, lines 17-19.

⁴ *I.d.*, page 11, lines 19-20.

⁵ After her statement, off the recorder, Civilian 1 stated that after Subject 1 grabbed the knife from the butcher block, he told her that he was “going to do something that was going to make the news.” Att.33

⁶ who has been identified through the investigation as Civilian 5, Subject 1’s mother

⁷ *I.d.*, page 12, lines 6-9.

⁸ *I.d.*, page 13, line 29.

Civilian 1 stated that a short time later, she heard two gunshots. Civilian 1 exited her residence and saw paramedics and police officers, and Subject 1 laying on a neighbor's yard, in a fetal position. Civilian 1 stated that at that point, Civilian 5 exited the house "hollerin' and screamin'"⁹ and tried to make her way towards Subject 1 but the officers "grabbed" her to take her back towards the residence.

Civilian 1 explained that when the officers turned Subject 1 over onto his back, she saw the knife Subject 1 grabbed from the kitchen next to his body. Civilian 1 explained that the paramedics placed Subject 1 on a gurney and put an oxygen mask on his face before rolling him passed her.

Civilian 1 volunteered that she did not hold the officers responsible for shooting Subject 1, stating, "They only did what he wanted them to do."¹⁰

Civilian 1 stated that when Subject 1 had been previously incarcerated he had mentioned that he was seeing a psychiatrist, but he did not get further treatment when he was released. Civilian 1 stated she was unaware of any other mental health issues Subject 1 may have been experiencing. (Atts. 30, 32)

On **25 December 2014**, **Civilian 1** provided an **Electronically Recorded Interview (ERI)** to the Cook County State's Attorney's Office and the CPD, which was consistent with the statement she provided IPRA personnel. (Att. 67)

In a statement to IPRA on 25 December 2014, Witness, Civilian 2 stated that Subject 1 was her nephew, and that he lived with her while being on home confinement. Civilian 2 explained that several days prior to the incident, Subject 1 had contracted a sexually transmitted disease (STD). On the date of the incident, Subject 1 had asked her to drive him to the hospital because he was in pain from the STD. Civilian 2 stated that she asked Subject 1 if he had notified the Cook County Sheriff's Office. Subject 1 told her that he was not going to notify them because they were not going to allow him to go without a doctor's appointment or via transportation by ambulance.

Civilian 2 stated that before driving him to the hospital, Subject 1 cut the home monitoring band from his ankle, and tossed it in the garbage. Civilian 2 stated that she drove Subject 1 to X Hospital and dropped him off at the entrance. When she arrived at her residence, Civilian 2 told "Civilian 4" that Subject 1 had removed his home monitoring band and had disposed of it in the trash behind their residence. According to Civilian 2, she also called the Sheriff's Office to notify them that Subject 1 removed and disposed of the band, and was at X Hospital. Civilian 2 stated that the Sheriff's Office told her that they were going to send out a unit to look for Subject 1. Civilian 2 stated that two sheriff's officers arrived at her residence and asked her what had occurred. The Sheriff's officers then asked her several questions in regards to Subject 1 before searching for the monitoring band and finding it in the garbage can.

⁹ *I.d.*, page 15, lines 1-3.

¹⁰ *I.d.*, page 18, line 23.

Civilian 2 stated that once the Sheriff's officers left, she called her mother, Civilian 1, to inform her that Subject 1 had removed the home monitoring band. At approximately 1730 hours, Civilian 1 and Subject 1 arrived at Civilian 2's residence. Civilian 2 stated that Subject 1 changed clothes and asked her to call the Sheriff's officers back. A short time later, Civilian 2 entered the kitchen and heard Subject 1 on the phone with 911. Civilian 2 stated that she heard Subject 1 giving the operator false information, relating that there was a domestic incident occurring between two individuals he identified as Civilian 6 and Civilian 5. Civilian 2 exited the kitchen and continued to clean the porch when Subject 1 came out, gave her a hug and thanked her.

Civilian 2 entered her residence and locked the door. At that point, Civilian 1 told her that Subject 1 had a knife and called 911. Civilian 2 stated that she called 911 and told them that her nephew had just called and provided false information, that he had a knife, and that he wanted the police to shoot him.

Civilian 2 stated that the dispatcher initially informed her that they did not have a record of Subject 1 calling, and after she gave the dispatcher the phone number Subject 1 called from, they transferred her to the fire department. While on the phone with EMS, Civilian 2 went to the window and lifted the plastic that covered the window, to provide them a description of the clothing Subject 1 was wearing.

Civilian 2 stated that she saw "red lights"¹¹ outside and concluded that EMS had arrived. She again looked out of the window and saw Subject 1 standing outside. Civilian 2 stated that she heard EMS personnel ask Subject 1 if he had called 911, to which he replied, "no."¹² Civilian 2 heard the EMS personnel ask Subject 1 if he lived at the home or if he knew who had called. Civilian 2 stated that Subject 1 turned and looked towards the window and saw her. Subject 1 then asked Civilian 2 if she had called 911. Civilian 2 stated that she closed the shade and proceeded to call Subject 1's mother, Civilian 5, to inform her of the situation. Civilian 5 stated that while on the phone she heard two gunshots.

Civilian 2 stated that when she went outside she saw police and fire personnel. She stated that she saw EMS putting Subject 1 in the back of the ambulance. Civilian 2 stated that she was screaming and crying, saying words to the effect of, "I tried to warn y'all what happened, what he was tryin' to do."¹³

Civilian 2 stated that she never saw Subject 1 with a knife, and only learned that he was armed with one after Civilian 1 told her about it later. Civilian 2 denied knowing if Subject 1 was intoxicated or suffered from mental health issues. (Atts. 35, 37)

On **26 December 2014**, Civilian 2 provided an **Electronically Recorded Interview (ERI)** to the Cook County State's Attorney's Office and the CPD, which was consistent with the statement Civilian 2 provided IPRA personnel. (Att. 67)

¹¹ Statement of Civilian 2, page 13, line 23.

¹² *I.d.*, page 13, lines 25-27.

¹³ *I.d.*, page 16, lines 3-4.

On **04 January 2015**, **IPRA Investigator A** called **Witness Civilian 4**. Upon stating that the investigator was from the IPRA, the female who answered the telephone hung up. Inv. A subsequently called Civilian 2 who informed the R/I that Civilian 4 did not want to provide the IPRA with a statement. (Att. 87)

On **25 December 2014**, **Civilian 4** provided an **Electronically Recorded Interview (ERI)** to the Cook County State's Attorney's Officer and CPD. Civilian 4 stated that Subject 1¹⁴ was staying with her and her family while he was on Electronic Monitoring (EM). Civilian 4 stated that earlier in the day, her sister, Civilian 2, informed her that Subject 1 had removed his EM band. Civilian 4 stated that she and Civilian 2 subsequently made telephone calls to family members, to include Subject 1's mother, to inform them that Subject 1 had removed the band. Civilian 4 stated that she saw Subject 1 enter the residence and described that he appeared "calm" and "normal." Civilian 4 stated that she informed Subject 1 that the police had been there for him. Civilian 4 stated that she asked Subject 1, "what are you gonna do?" to which Subject 1 replied, "I'm not gonna do nothing." Civilian 4 stated that she subsequently asked Subject 1 what he was doing and he informed her that he was putting on a jacket in case the police shot him, he won't be cold outside.

Civilian 4 stated that Subject 1 told her and Civilian 1 that he was he was "ready to go" and "he was tired of living the way he was living." Civilian 4 stated that Subject 1 asked her to use her cellular phone and he subsequently called 911. Civilian 4 stated that she heard Subject 1 give a false name and inform 911 that there was a male by the name of "Gibson" at the location, who had removed his EM band and would be standing outside waiting.

Civilian 4 stated that Subject 1 returned her phone, hugged her, and told her not to cry. Subject 1 then hugged Civilian 1 and told them that he loved them. Civilian 4 added that Subject 1 walked passed Civilian 2, and out of the front door and on the front porch. Civilian 4 stated that Subject 1 waited outside for approximately 25 to 30 minutes.

Civilian 4 stated that Civilian 1 had informed her and Civilian 2 that Subject 1 told her that "what he was going to do was going to be on the news." Civilian 4's son stated that Civilian 2 called 911 to report said information.

Civilian 4 stated that when she saw the lights from the ambulance, she looked out of the front door window and saw Subject 1 standing against a black fence with his hands in his pockets. She then saw the paramedics approach Subject 1. Civilian 4 stated that Civilian 2 informed her that she heard Subject 1 tell the paramedics that he did not call for an ambulance. Civilian 4 then saw the paramedics re-enter the ambulance and move the ambulance back towards the firehouse.

Approximately fifteen minutes later, Civilian 4 was in her bedroom when she heard two (2) gunshots. Civilian 4 stated that after approximately two (2) minutes, she

¹⁴ Subject 1 is referred as Mr. Gibson throughout the ERI.

went outside and saw Subject 1 on the ground, as well as several officers and paramedics. Civilian 4 added that she saw paramedics placing Subject 1 on a stretcher. (Att. 68)

In a statement to IPRA on 25 December 2014, Witness, Paramedic A stated that he is employed as a paramedic for the Chicago Fire Department (CFD). On the date of incident, Paramedic A was on-duty, assigned to Ambulance XX, Engine XXX. Paramedic A stated that he and his partner, Paramedic B, were dispatched to a call of a “psychological emergency¹⁵” regarding a 25 year old male, Subject 1, whose aunt reported that he had a knife on his person. Paramedic A further related that they were advised that a police beat was also assigned to the call.

Paramedic A stated that upon their arrival, he parked the ambulance just east of the address they were provided. Paramedic A reported that he observed a male subject, who matched the description they were given, standing next to the stairs of the residence. Paramedic A described the male subject, now known to be Subject 1, as African American, approximately 6’00”, thin build, slightly dark complexion, wearing baggy clothes.

Paramedic A explained that he and his partner exited the ambulance and asked the male subject if his name was Subject 1. Subject 1 informed them that his name was “Rashad Johnson¹⁶.” Paramedic A stated that Subject 1 appeared “fidgety,” pacing back and forth. According to Paramedic A, both he and his partner re-entered their ambulance and decided to wait for the police to arrive, while keeping view of Subject 1. Paramedic A explained that he reversed the ambulance, in order for them to have a broader view of the residence and what was in front of them.

Paramedic A stated that Subject 1 became more “fidgety¹⁷,” at one point walking westbound into an alley and towards the rear of the residence. Paramedic A described that Subject 1 kept looking back and after a short time, Subject 1 returned and sat on the steps of the residence. At that point, Paramedic A observed a CPD squad turn west on XXth Street and park in front of their ambulance, facing them. Paramedic A stated that the officers had their emergency lights activated.

Paramedic A stated that they waited in their vehicle until the officers could ensure that the scene was safe. Paramedic A reported that the police officer in the front passenger seat, who was still in the CPD vehicle directly across from him, opened the passenger door at which time Subject 1 charged towards the officer. Paramedic A described that the officer had one foot out of his vehicle and one foot inside when Subject 1 lunged at the officer and began to stab him in the vest with what appeared to be a knife. Paramedic A described the blade to be approximately three inches long. Paramedic A stated that he heard the officer yell but he could not make out what the officer said. Paramedic A stated that he could hear three or four loud noises consistent with Subject

¹⁵ Statement of Paramedic A, page 3, lines 26-30.

¹⁶ *I.d.*, page 6, line 7.

¹⁷ *I.d.*, page 6, lines 21-22.

1 hitting the officer's vest. Paramedic A explained that he observed the officer push Subject 1 backward with his foot, in order to get Subject 1 away from him.

According to Paramedic A, Subject 1 retreated in a slightly northeast direction, stopping near a small front yard. Both officers exited their vehicle but Paramedic A did not know where the driver officer went because his concentration was fixed on Subject 1. Paramedic A stated that Subject 1 started making "taunting"¹⁸ movements, "kinda like ducking in and out"¹⁹ "putting his hands underneath his waistband"²⁰.

Paramedic A stated that he could hear the officers give Subject 1 verbal commands to put the weapon down but Subject 1 did not comply. Paramedic A stated that Subject 1 had tucked the knife in his waistband, underneath his shirt and he kept putting his hands in and out of his waistband as to entice the officers to react. At one point, Subject 1 leaned forward and started running towards the officer. Paramedic A subsequently heard two gunshots. Paramedic A stated that the officer was approximately 12 feet away from Subject 1 before he heard the two shots.

Paramedic A saw Subject 1 fall face forward on the ground, in a "slightly fetal position"²¹. Paramedic A stated that he and his partner exited their ambulance and proceeded to ask the officer who had been attacked by Subject 1 if he was injured. Paramedic A stated that he believed the officer had been injured based on the sounds that he heard when Subject 1 attacked him. Paramedic A stated, "from my standpoint, I mean when I saw that happen, I was fearing for the police officer's life. I thought something was gonna happen to him and I thought he did get injured. Because from the, from the sounds that we heard, and from his reaction, I thought for sure he got hurt. You know that's why when we first got out we ran to him first. We're like are you okay? You know, 'cause he was just standing there. You know I guess that vest saved his life."²²

Paramedic A stated that he then attended to Subject 1, who had "gargling respirations"²³ and blood secretions on his mouth and face. Paramedic A stated that after verifying that Subject 1 was no longer a threat, they rolled him over onto a stretcher. When they rolled Subject 1 over, Paramedic A observed that Subject 1 was still grasping the knife. Paramedic A stated that he grabbed the knife out of Subject 1's hand and tossed it several feet away.

Paramedic A stated that two females exited Subject 1's residence and he heard one of them say, "I told him not to do that."²⁴ Paramedic A described the female as African American, wearing a black dress and black stockings. Paramedic A then left the scene in order to transport Subject 1 for further medical attention.

¹⁸ *I.d.*, page 17, lines 26-27.

¹⁹ *I.d.*, page 17, lines 27-28.

²⁰ *I.d.*, page 17, lines 28-29.

²¹ *I.d.*, page 23, lines 20-21.

²² *I.d.*, page 29, lines 17-26.

²³ *I.d.*, page 23, lines 17-18.

²⁴ *I.d.*, page 26, lines 27-29.

When asked if Paramedic A thought the officer had any other option available before firing his weapon Paramedic A replied, “No in my opinion I think that uh you know uh Subject 1 was actually, like I said before, he was enticing them; looking for some sort of reaction. You know the way his body language was at that point, was like I’m lookin’ for you to do somethin’ just do it already. And since they didn’t do anything besides give ‘em verbal commands, he took it upon himself to make his threat larger.”²⁵ (Atts. 22, 24)

On **26 December 2014**, **Paramedic A** provided an **Electronically Recorded Interview (ERI)** to the Cook County State’s Attorney’s Office and the CPD, which was consistent with the statement he provided IPRA personnel. (Att. 67)

In a statement to IPRA on 26 December 2014, **Witness, Paramedic B**, stated that he is employed as a paramedic for the Chicago Fire Department. On the date of incident, Paramedic B was on-duty, assigned to Ambulance XX, Engine XXX.

Paramedic B stated that he was the passenger in the ambulance. Paramedic B stated that upon arriving at XXX E. Marquette, he observed a male subject, who was later identified as Subject 1, standing on the southwest corner of the address. Paramedic B stated that he and Paramedic A exited their ambulance to ask the male subject if he was Subject 1, to which he replied that he was not. Paramedic B stated that they re-entered their ambulance to wait for CPD to arrive.

While waiting for officers to arrive, Paramedic B stated that Subject 1 walked northbound through a vacant lot that was located between a Chicago Fire Department station and XXX E. Marquette Avenue. Subject 1 then walked through the alley, then westbound around the fire station, and then back to the front of building and sat down on the steps. Paramedic B stated that after a few minutes, the police arrived and parked their vehicle in front of their ambulance, so that the two vehicles were facing each other. Paramedic B explained that the passenger officer, now known to be Officer A, opened his door to exit the police vehicle, when Subject 1 “jumped off the stairs, and attacked the officer in the seat with, like, a downward stabbing motion.”²⁶

Paramedic B further explained that although he has difficulty hearing, and the windows to the ambulance were rolled up, he could still hear yelling and screaming coming from within the police vehicle as Subject 1 was attacking Officer A.

Paramedic B stated that Officer A was able to kick Subject 1 away from him, at which point Subject 1 backed away and moved to the front of XXX E. Marquette Avenue. At the same time, both officers proceeded towards the rear of their vehicle, in the direction that Subject 1 had fled towards. Paramedic B stated that although his primary focus was on Subject 1, he was able to see and hear Officer A giving Subject 1 multiple verbal commands to “drop the weapon,”²⁷ Paramedic B stated that Subject 1 stood still,

²⁵ *I.d.*, page 30, lines 13-18.

²⁶ Statement of CFD Paramedic B, page 11, lines 12-17.

²⁷ *I.d.*, page 18, lines 17-18.

and did not comply with the instructions given to him. Paramedic B stated that he was able to see Officer A holding a weapon with both of his hands, pointed in the direction of Subject 1, while he was giving him verbal commands to drop his knife. Paramedic B heard two shots and saw Subject 1 fall forward.

Paramedic B stated that when he and Paramedic A picked Subject 1 from the ground to put him on the stretcher, a knife with a black handle fell from Subject 1. Paramedic B explained that Subject 1 was bleeding from his mouth and was unresponsive, at which time they provided him treatment and transported him to X Hospital. Paramedic B explained that although he had “hoped”²⁸ that the weapon Officer A pointed in Subject 1 direction was a taser, he later opined that it probably would not have had an effect on Subject 1 due to the multiple layers of clothing that he was wearing. (Atts. 26, 28)

INVOLVED OFFICER STATEMENTS

In a statement to IPRA on 26 December 2014, Officer B, #XXXX stated that on the date of incident, he was assigned to Beat XXX with Officer A, #XXXXX. Officer B described that he and Officer A were dressed in uniform and assigned to a marked squadrol with their duties being routine patrol.

Officer B stated that he and Officer A responded to XXX E. Marquette to assist the fire department with a suicidal subject. When they arrived, Officer B parked the squadrol directly “nose to nose,”²⁹ with the ambulance that had already arrived. Officer B explained that the ambulance had its lights activated and he observed Subject 1 sitting on the steps of XXX E. XXth Street.

Officer B stated that as he exited the squadrol, he heard, Officer A yell, “let me see your hands.”³⁰ Officer B looked to his right and saw Subject 1 now on top of Officer A, partially inside of the squadrol, stabbing him in the upper chest area. Officer B stated that he knew Subject 1 was stabbing Officer A because he could see the blade of the knife moving up and down.

Officer B stated that by the time he made it to the rear of the squadrol, Subject 1 was walking away from the squadrol at a fast pace, heading east. Officer B stated that both he and Officer A identified themselves as the police and gave Subject 1 continuous verbal commands to “stop”³¹ and to “get on the ground”³² but Subject 1 ignored their commands and flailed his arms as he continued to walk away. Officer B stated that at one point, Subject 1 tucked the knife into his waistband. Officer B stated that Subject 1 stopped near XXX E. XXth Street, turned to face their direction, and then proceeded to walk back towards him and Officer A.

²⁸ *I.d.*, page 20, lines 7-15.

²⁹ Statement of Officer B, page 9, lines 9-11.

³⁰ *I.d.*, page 11, lines 9-12.

³¹ *I.d.*, page 15, line 26.

³² *I.d.*, page 15, lines 27-28.

Officer B stated that Subject 1 was approximately ten (10) feet away from them, when he “crouched”³³ down, held his hands near his waistband and began to move aggressively towards them. Officer B stated that Officer A stated words to the effect of, “stop, I will shoot”³⁴ but Subject 1 continued to advance. Officer B stated that Subject 1 lunged at Officer A at which time he heard two gunshots and saw Subject 1 fall to the ground.

Officer B explained that Officer A did not have any other option available to eliminate the threat that Subject 1 posed, as there was nowhere for him to take cover when Subject 1 lunged at him with a knife. Officer B also confirmed that the weapon, described as a silver bladed knife with a black handle, was recovered from the scene. (Atts. 38, 39)

In a statement to IPRA on 27 December 2014, Officer Casey A, #XXXXXX provided a detailed account of the incident. Officer A stated that on the date of incident, he worked Beat XXX, dressed in full uniform. Officer A stated that he and Officer B responded to a call of an attempted suicide. Officer A explained that being assigned to the squadrol as he was this day, his duties included responding to similar types of calls, as well as handling calls related to mentally ill individuals.

Officer A explained that when they approached the address, they observed an ambulance parked with its emergency lights activated. Officer A stated that upon parking their vehicle, they observed a male subject on the porch, matching the description given by the Office of Emergency Management and Communications (OEMC) of a male threatening suicide, who was on the porch, and was refusing to enter the residence.

Officer A stated that as he opened his door to exit the vehicle, Subject 1 immediately got up from the porch and walked closer towards him. Officer A explained that he observed Subject 1 getting closer to the vehicle with his hands in his pockets. Officer A stated that he gave Subject 1 several commands to get his hands out of his pockets, to which Subject 1 failed to comply. Officer A stated that as Subject 1 got closer to the vehicle, he produced a knife from his pocket and charged at him, stabbing him in the chest area of his ballistic vest, while he was still partially inside of the vehicle.

Officer A explained that Subject 1 raised the knife over his head and forcefully struck towards his throat, narrowly missing and hitting the upper right portion of his ballistic vest. Officer A stated that after multiple attempts to stop Subject 1 from stabbing him, Subject 1 broke free and walked away. Officer A stated that he reported via radio that there had been a battery to an officer; he then exited the vehicle and drew his weapon. Officer A explained that at that point, he, Officer B and Subject 1 were standing in a triangle, with Subject 1 approximately five (5) to seven (7) feet away from

³³ *I.d.*, page 18, lines 2-3.

³⁴ *I.d.*, page 17, lines 29-30.

him. Officer A stated that he and Officer B gave Subject 1 verbal commands to “stop”³⁵ and “put your hands up.”³⁶

Officer A stated that Subject 1 turned towards him with the knife in his hands. Officer A stated that Subject 1 began to move towards him, at which time he told Subject 1 to drop the knife or he would shoot him.

Officer A stated that as Subject 1 closed the distance between them, he retreated several steps as he told Subject 1 to “stop or I’ll shoot!”³⁷ Officer A stated that Subject 1 continued his advances and aggressively increased his pace towards him, while holding the knife against his body, “ready to lunge and stab.”³⁸ Officer A stated that he was in fear for his life and fired his weapon twice at Subject 1. Officer A stated that Subject 1 stopped his advance and slowly fell to his knees, and then onto his side. (Atts. 41, 42)

EVIDENCE

The **OEMC** and **PCAD Reports** were collected and made part of this investigation. The analyses of the material shows that on 25 December 2014:

At 1832 hours, male 911 caller reported that a male removed his home monitoring band and was waiting outside. The caller initially identified himself as “Cherice” The caller provided a description of the male, whom he identified as “Subject 1,” as a 25 year old, brown skinned male, 6’00” tall, 160 lbs, wearing blue jean jacket with green sleeves, black pants.

At 1838 hours, a female 911 caller, later identified as “Keisha,” reported that her nephew called 911 to have police report to XXX E. Marquette Road. The female caller informed the call taker that her nephew “is trying to commit suicide” and is “trying to get them to do some harm to him.” Initially, the call taker informed the 911 caller that there was no call from him. The female caller informed the call taker that “he” removed his monitoring band, he has a knife, and said he’s ready to die. The call taker subsequently transferred her to the fire department.

At 1839 hours, the female caller speaks to a fire department call taker and requested that her nephew be picked up and reported that he called 911 to have the police pick him up. The female caller stated that her nephew has a knife and is standing outside. She stated that she did not know if he was going to pull the knife to have the police shoot him. The female caller provided her address and age of her nephew.

³⁵ Statement of Officer A, page 19, lines 27-28.

³⁶ *I.d.*, page 19, lines 27-28.

³⁷ *I.d.*, page 20, lines 4-5.

³⁸ *I.d.*, page 20, lines 20-21.

At 1842 hours, dispatch assigned the call to Beat XXX. Dispatch informed Beat XXX to check for a threatening suicide at XXX E. Marquette. Dispatch related that the caller stated that her 25 year old nephew is threatening suicide, says he has a knife and she believes that he is going to pull the knife on the police.

At 1843, Beat XXX informed dispatch that they were at XXXX and Ridgeland assisting Beat XXX and would proceed to the call after.

At 1851 hours, the ambulance radioed, "24 Englewood, we are staging waiting for police."

At 1851 hours, dispatch acknowledged "24."

At 1852 hours, A24 reports that they are waiting for police to go inside the apartment.

At 1903 hours, Beat XXX announced a battery to PO, attempt murder to PO.

At 1904 hours, shots fired by police were reported. (Att. 9-13, 51-56, 76, 81)

In-car camera video footage from Beat XXX was obtained and reviewed. The video does not capture the incident as it is video from a vehicle that responded post shooting. However, the video depicts the scene and EMS transporting Subject 1's body on a gurney into the ambulance. (Atts. 73-75, 77)

Video footage from a **POD located at XXX E. Marquette Road and POD 7070 located at XXXX S. Langley Avenue** were obtained and reviewed. The PODs did not capture the incident. (Atts. 76, 80)

The **Evidence Technician (ET) Photographs** depict the scene of the shooting from various angles. The photographs include the interior and exterior of the location of incident; the squadrol Officer A was riding in; the knife Subject 1 used; a broken piece of the knife blade; a police baton; Subject 1's clothing; Officer A's ballistic vest, duty belt, and his service weapon. The photographs also include images of Subject 1's body both at the hospital and at autopsy. (Att. #59)

Illinois State Police (ISP) Forensic Science Laboratory Reports document the examination of the recovered ballistic evidence in comparison to the firearm belonging to Officer A. It was determined that the shell casings recovered at the scene of this event were fired from Officer A's Smith & Wesson, 9 mm semi-automatic pistol; Serial #XXXXXXX.

The ISP reports further document the examination of the knife blade and of the knife handle. The reports indicate that Subject 1's DNA was present on the knife blade.

The examination of the knife handle shows a low level of human DNA present on the knife blade, such that it was not suitable for comparison. (Atts. 58)

The Medical Examiner's Report documents the postmortem examination of Subject 1. The report indicates that a total of three (3) gunshot wounds were observed to Subject 1's body. Subject 1 was shot once in the head, once in the lateral right side of the abdomen, and once in the right wrist. The cause of death was multiple gunshot wounds, with the manner being ruled a homicide. The report also documents the presence of Etomidate³⁹, Laudanosine⁴⁰, and Lidocaine⁴¹ in Subject 1's system. (Att. 72)

Medical Examiner's Photographs depict Subject 1's body, his wounds as described in the Report of Postmortem Examination, a rod illustrating the wound track of his wounds to his right wrist, recovered fired evidence, and multiple layers of clothing. (Att. 50)

According to the **Tactical Response Report (TRR)**, completed by Officer A, Subject 1 did not follow verbal direction, was an imminent threat of battery, attacked with a weapon, and used force likely to cause death or great bodily harm. Officer A responded with member presence, verbal commands, and the discharge of his firearm. Also noted in Officer A's TRR was that Subject 1, armed with a knife, attacked him while he [Officer A] was seated in the front passenger seat of the squadrol, ambushing him. Officer A reported that Subject 1 stabbed him in the upper chest area, striking his ballistic body armor. (Att. #7)

According to the **Officer's Battery Report (OBR)**, on the date, time and location of the incident Officer A was in uniform and on routine patrol. Subject 1 attacked Officer A with a knife and stabbed Officer A. Officer A sustained minor injuries as a result of this incident. (Att. #8)

A **City of Chicago Injury on Duty (IOD) Report** documents that Officer A, #XXXXXX, while on duty was attacked while sitting inside of a department squadrol by an offender with a knife. The offender stabbed Officer A's upper chest area in an attempt to kill/cause serious injury to the officer. In defense of his life, Officer A shot and killed the armed Offender. Officer A was transported to X Hospital for examination of his upper chest area. (Att. 79)

The **Chicago Fire Department Ambulance Report** documents that EMS was dispatched to XXX E. Marquette Road, at approximately 1843 hours. Paramedics noted that there was a call for a "psych emergency". The report indicates that the responding paramedics observed Subject 1 observed outside of the building, but the crew waited for the police to arrive. The report indicates that Subject 1 attacked the police upon their arrival and was subsequently found on the ground with multiple gunshot wounds. The

³⁹ Commonly used for inducing general anesthesia in medical intervention.

⁴⁰ A common metabolite of opioids such as morphine; may be a result of anesthetic in medical intervention.

⁴¹ Commonly used as a local anesthetic in medical intervention.

report indicates that Subject 1 sustained a through and through gunshot wound to his right wrist, a gunshot wound to his right lower abdomen, and a gunshot wound to his head. Subject 1 was transported to X Hospital without incident. (Att. 47)

A **canvass** of the area of the incident was made in an attempt to locate additional witnesses and/or evidence. There were no witnesses to the actual incident that could provide relevant information. (Att. 46)

The **Complaint at Law in the United States District Court for the Northern District of Illinois Eastern Division (15 CV XXXXX)**, indicates that on 25 December 2014, Officer A, #XXXXXX and/or other Defendant officers used excessive force in violation of the Fourth Amendment to the United States' Constitution. Additionally, the suit alleges that one or more Defendant officers conspired to cover up misconduct. (Att. 82). This matter is still pending.

Training Records for Officer A and Officer B were obtained. The records indicate that neither officer had Crisis Intervention Training (CIT) or Force Mitigation and Mental Health Awareness Training prior to this event occurring. (Att. 84, 85)

Inv. A, #XXX

Deputy Chief, #7

CONCLUSION:

The applicable Chicago Police Department order in place at the time of this incident is General Order 03-02-03, III, which states that 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 as 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 deadly weapon or;
 - c. Otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.

In addition, the use of deadly force is codified under 720 ILCS 5/7-5 (1986). The pertinent part of the statute states that:

“[a] peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great

bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person...”

Finally, claims that law enforcement officials have used excessive force - deadly or not - in the course of an arrest, investigatory stop, or other “seizure” are properly analyzed under the Fourth Amendment's objective reasonableness standard. The question is whether the officers' actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Graham v. Connor*, 490 U.S. 386, 397 (1989); see *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003). Consequently, “when an officer believes that a suspect's actions [place] him, his partner, or those in the immediate vicinity in imminent danger of death or serious bodily injury, the officer can reasonably exercise the use of deadly force.’ ” *Muhammed v. City of Chicago*, 316 F.3d 380, 683 (7th Cir. 2002) (quoting *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir.1988) (en banc) and omitting emphasis).

Pursuant to CPD Special Order S05-14, which was in place at the time of the incident, there was no clear requirement on the behalf of the responding officers to ensure CIT personnel were dispatched to this call. The applicable order establishes protocol for dispatching CIT personnel once a mental health emergency has been identified. The failure to recognize that an event had the potential to become a mental health emergency lies not with the responding officers, but with the OEMC and their proper dispatch.

Special Order S05-14, as it read at the time, delineates responsibilities for officers to request CIT once a mental health emergency had been identified. In this instance, the emergency unfolded at such a rapid pace upon their arrival that the officers truly had no time to assess Subject 1’s mental health status.

It is noted that this order has been updated, clarified, and broadened and is currently reflected in Special Order S05-14-01, which went into effect on 13 December 2016.

For the reasons outlined below, the IPRA finds that Officer A’s use of deadly force was **WITHIN** Department policy and consistent with the applicable general order and state law.

Subject 1’s family and friends, through statements made to IPRA, have characterized Subject 1’s mental state in the moments leading to this event. Their statements establish that Subject 1 was clearly intent upon engaging in an altercation with the police that would lead to them being forced to shoot him.

Upon the officers’ arrival, Subject 1 immediately attacked Officer A as he was attempting to exit his vehicle, stabbing him numerous times in the upper chest. But for Officer A’s ballistic vest protecting him from the strikes, he surely would have been critically injured.

Officer A was able to push Subject 1 away from him, at which time Subject 1 walked a short distance away and apparently prepared to make a second attack. Officer A and Officer B kept Subject 1 in sight and made multiple attempts to instruct Subject 1 to surrender, though he failed to comply.

Officer A stated that while he was no further than ten (10) feet away, Subject 1 lowered himself into an attacking stance, still armed with his knife, and began to charge towards him. Reasonably fearing that he was going to be attacked again by an armed assailant who clearly meant to do him physical harm, Officer A discharged his weapon twice, fatally striking Subject 1.

Paramedic A and Paramedic B witnessed a significant portion of this event, to include Subject 1's initial attack against Officer A. Their statements support the account and the assertions of Officer A.

General Order 03-02-03, III, specifically states that a sworn member may use deadly force in order to "to prevent death or great bodily harm to the sworn member or another person." In this particular instance, Subject 1 posed an active and real threat towards Officer A, as he had already attacked him once, and was preparing to attack him a second time. Subject 1 presented the means and opportunity to place Officer A in jeopardy of receiving great harm, or death. Officer A was faced with a person who already used deadly force against him, and was preparing to use deadly force against him a second time; Officer A therefore chose to use deadly force himself to prevent that from occurring.

In this instance, based on the totality circumstances, the use of deadly force by Officer A was 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.

Approved:

Sharon Fairley
Chief Administrator, IPRA