

TO: Chief Administrator
Independent Police Review Authority

FROM: IPRA Investigator A, #XXX

SUBJECT: Log #1077428
U #15-024

REFERENCE: HYXXXXXXXX/Event #XXXXXXXXXXXX
Aggravated Domestic Battery with a Handgun

DATE/TIME: 04 October 2015, 0827 hours

INVOLVED OFFICER #1: Officer A; Chicago Police Officer, Star #XXXXXX, Unit XXX; white male; Employee #XXXXXX, DOB: XX X XXXX; DOA: 27 September 2004; On duty; in plainclothes, Beat XXXXX.

OFFICER'S WEAPON: Glock model 17; 9 mm semi-automatic pistol; Serial #TXV863; City Registration #R031191S; FOID #96653016; Winchester 9mm Luger + P ammunition; 3 live rounds recovered from firearm; weapon capacity of 17 rounds; Fired fifteen (15) times.

OFFICER'S INJURIES: Minor Bruising and Swelling (unspecified).

INVOLVED OFFICER #2: Officer B; Chicago Police Officer, Star #XXXXXX; Unit XXX; white male; Employee #XXXXXX; DOB: XX X XXXX; DOA: 27 March 2006; On duty; in plainclothes; Beat XXXXXX.

OFFICER'S WEAPON: Daniel Defense model DD M4 V9 carbine patrol rifle; Serial #DD041540D; City Registration #R036693L; FOID #24131134; Federal Lake City 5.56 mm ammunition; 13 cartridges recovered from the covered from the chamber of the carbine; 23 LC 13 cartridges recovered from the magazine; weapon capacity of 30 rounds (high capacity, extended 1PMAC 30 round magazine); Fired four (4) times. (Att. 61).

OFFICER'S INJURIES: Minor Bruising and Swelling (unspecified).

WITNESS

OFFICER #1 Officer C; Chicago Police Officer, Star #XXXXXX; Unit 011; Hispanic female; Employee #XXXXXX; DOB: XX X XXXX, DOA: 26 May 1998, On duty; in uniform; Beat XXXX.

OFFICER'S INJURIES:

Minor bruising and swelling to her right leg and knee.

WITNESS

OFFICER #2: Officer D; Chicago Police Officer, Star #XXXX; Unit XXX; white male; Employee #XXXXXX; DOB: XX X XXXX, DOA: X X XXXX, On duty; in uniform, Beat 1133.

OFFICER'S INJURIES:

Minor Bruising and Swelling (unspecified).

SUBJECT/ VICTIM:

Subject A; black male; DOB: XX X XXXX, XXXXX W. Warren Boulevard, Chicago, IL XXXXX; IR#XXXXXXXXXX.

SUBJECT'S INJURIES:

Multiple gunshot wounds to the torso and head; fatal.

SUBJECT'S WEAPON:

Hi Point model CF 380; semi-automatic .380 caliber pistol; 3 inch barrel, Serial #P869888.

LOCATION:

XXXX W. Grenshaw Street, Apartment 2R

TIME OF IPRA NOTIFICATION:

0900 hours

TIME OF IPRA RESPONSE:

0955 hours

IPRA ON SCENE:

IPRA Deputy Chief
IPRA Supervising Investigator
IPRA Investigator

IPRA

NOTIFICATIONS: IPRA Chief Administrator
IPRA 1st Deputy Chief Administrator
Director of Public Affairs

SUMMARY OF INCIDENT

On 04 October 2015, at approximately 0841 hours, Beat XXXXX, occupied by Officers A, #XXXXXX and B, #19905, responded to a call of a “man with a gun/domestic disturbance” 3522 W. Grenshaw Street, 2nd floor rear apartment. The officers ordered the subject, now known to be Subject A, to open the front door but he refused to do so. The officers forced entry to the apartment and observed Subject A moving from west to east in front of the door with a pistol in his hand. Subject A pointed the gun at the officers, who stood at the doorway and ordered him to drop the gun several times. Subject A then ran towards the officers with the gun pointed at them. Officer B took position on the top step, while Officer A took position on the lower step. Subject A entered the stairway landing with his pistol and continued to point it at the officers. Officers B and A discharged their weapons several times at Subject A. Subject A was struck multiple times. He was pronounced dead at the scene.

It was later learned that Subject A had fired his weapon several times inside of the apartment during an argument he was having with his girlfriend, Civilian 1. The altercation had been ongoing in the hours prior to the arrival of the police. During the argument, Subject A apparently shot Civilian 1 once, cut her with a knife, and threatened to kill her several times. At one point, Civilian 1 tried to escape, only to be forced back into the apartment by Subject A.

INVESTIGATION:**CIVILIAN STATEMENTS**

In her statement to IPRA on 06 October 2015, **Witness** Civilian 1 stated that Subject A picked her and Civilian 2 up from a friend’s house located at X Avenue and X Boulevard. Civilian 1 stated that all three of them arrived at her apartment between 0530 and 0545 hours. Civilian 1, Civilian 2 and Subject A entered the apartment and sat on the couch in the front room. Civilian 1 stated that Subject A then told them that he was going to kill them. Subject A pulled a gun from his waistband and racked the slide back. Subject A began ranting about how his friends and his family didn’t care about him anymore. Civilian 2 began talking to Subject A in an effort to calm him down.

Civilian 1 stated that she became nauseated and went to the bathroom to vomit. Civilian 1 then left the bathroom and made her way to the rear porch to get some air. Civilian 2 and Subject A followed her. All three were now located on the back porch. Subject A then walked down the back porch, leaving Civilian 1 and Civilian 2 by the rear door. Civilian 1 stated that minutes later, Subject A returned and stated, “I’m not gonna kill y’all. I’m not gonna kill myself cuz I’m

a fuckin' coward. I'm a bitch."¹ Civilian 1 stated that Civilian 2 and Subject A returned to the front room. Civilian 1 then made her way down the rear porch to the front of the apartment building. Civilian 1 walked over to her vehicle and was about to leave when she realized that Civilian 2 was still inside the apartment with Subject A, and that Subject A might kill her. Civilian 1 walked to the rear bottom staircase of the apartment building where she met Civilian 2 and Subject A.

Civilian 1 sat on the rear staircase steps and Subject A began apologizing for his behavior. Civilian 1 then asked Subject A to leave and he agreed. Subject A placed his house keys on the steps and began to walk down the walkway, away from the rear stairs. Civilian 1 stated that Subject A walked halfway down the walkway and then turned around and stated, "naw, fuck that shit."² Subject A pulled out his gun again and walked towards Civilian 1, grabbing her by her hair and dragging her up the stairs. Civilian 1 began arguing with Subject A, insisting that he let her walk on her own. Subject A then put the gun to Civilian 1's head. Civilian 1 walked into the apartment followed by Subject A who then forced her into a bedroom. Civilian 1 stated that Civilian 2 followed them into the bedroom pleading with Subject A to stop. Civilian 1 stood in front of the closet, while Subject A stood by the door of the bedroom, with Civilian 2 standing behind him.

Once inside the bedroom, Subject A discharged his weapon once into the floor. Civilian 1 stated that Civilian 2 continued to plead with Subject A to stop because he was scaring her. Subject A responded by stating, "I got to now 'cause I already shot and the police gonna come."³ Subject A grabbed Civilian 1 and dragged her into the bathroom. Civilian 1 fell to the floor and Subject A told Civilian 2 to leave, but she refused. Subject A pointed the gun at Civilian 2 and told her that if she didn't leave, he was going to shoot her first. Civilian 2 then left the apartment.

Civilian 1 stated that once Civilian 2 left, Subject A closed the bathroom door and told her to get into the shower. Subject A then instructed Civilian 1 to turn the shower on because he didn't want anyone hear him shoot her. Civilian 1 told Subject A that she wouldn't turn the shower on. Subject A then instructed Civilian 1 to turn around because he didn't want to look at her in her face. Civilian 1 refused and began pleading with Subject A not to shoot her and that Civilian 2 was not going to call the police on him. Civilian 1 stated, "I was just tryin' to get him to get me out of the bathroom."⁴ Civilian 1 continued to tell Subject A to go look and see where Civilian 2 was. Civilian 1 stated that Subject A eventually left the bathroom and began looking for Civilian 2.

While Subject A was looking for Civilian 2, Civilian 1 ran out of the bathroom and headed towards the rear door. Civilian 1 reached the rear door and found the door to be locked. Civilian 1 turned around, at which point Subject A shot her in her right arm. Civilian 1 looked up

¹ Statement of Civilian 1, (Att. 38) Page 24, Lines 5-7

² Statement of Civilian 1 n, (Att. 38) Page 9, Line 24

³ Statement of Civilian 1, (Att. 38) Page 11, Lines 3-5

⁴ Statement of Civilian 1, (Att. 38) Page 12, Lines 8-9

at Subject A and stated, “You fuckin’ shot me. Look what you did. You did this to me. You just shot me.”⁵ Civilian 1 stated that she fell on the floor near the bathroom. Civilian 1 stated that when she was on the floor, she observed Subject A reach into a kitchen drawer and grab a knife. Civilian 1 stated that Subject A began prodding her with the knife. Civilian 1 stated that Subject A “poked me in the chest like four times and then he like poked me in my side. And then I threw my arm up and he stabbed me in my arm.”⁶

Subject A then picked Civilian 1 up, took her to the back door, and began choking her. Subject A stated to Civilian 1, “I’m gonna kill you.”⁷ Civilian 1 started telling Subject A that she couldn’t breathe. Civilian 1 stated that she fainted and fell to the floor. Civilian 1 stated that she did not fully lose consciousness, but felt “woozy,” and could see that Subject A was about to shoot her again. Civilian 1 then jumped up on to Subject A’s back and they began “tusslin’ with the gun.”⁸ Civilian 1 stated that she got her middle finger stuck inside of the trigger guard of the gun and tried to shoot Subject A in his foot. As they were struggling for the firearm, Subject A overpowered Civilian 1 and pulled the gun away from her. The force snapped Civilian 1’s finger back causing it to break and Civilian 1 fell back onto the floor. Civilian 1 stated at this time she heard sirens nearby. Civilian 1 stayed on the floor while Subject A walked to the front room to see where the sirens were coming from. Subject A then returned to the kitchen and started choking Civilian 1. Civilian 1 stated that she thought if she closed her eyes and stopped breathing, maybe Subject A would think that she was dead. Civilian 1 closed her eyes and Subject A stopped choking her. Civilian 1 stated that Subject A then walked to the front room. Civilian 1 then heard the front door to the apartment open and then heard “eight gunshots.”⁹

Civilian 1 picked herself off of the kitchen floor and tried to hide behind the refrigerator. At the same time, Civilian 1 heard police officers at the back door attempting to kick it open. A female officer¹⁰ then entered the kitchen from the front room and made contact with Civilian 1. Civilian 1 stated that she did not see the officer involved shooting and was “blackin’ out.”¹¹ Civilian 1 added that there is a wall that separates the kitchen from the front room and that she would have not been able to see any of the police involved shooting because the wall was blocking her view. Civilian 1 added that she believed Subject A was under the influence because he was foaming at the mouth and his eyes were “big as hell”¹² throughout the whole incident. (Atts. #37-38).

In an interview on 04 October 2015, **Witness Civilian 2** stated that earlier in the morning, she and her friend, Civilian 1, were picked up by Civilian 1’s boyfriend, now known as Subject A. Subject A drove them back to Civilian 1’s apartment located at XXXX W. Grenshaw

⁵ Statement of Civilian 1, (Att. 38) Page 13, Lines 9-11

⁶ Statement of Civilian 1, (Att. 38) Page 13, Lines 25-28

⁷ Statement of Civilian 1, (Att. 38) Page 14, Line 13

⁸ Statement of Civilian 1, (Att. 38) Page 14, Lines 26-27

⁹ Statement of Civilian 1, (Att. 38) Page 16, Line 8

¹⁰ Through the investigation it was learned that Officer C located Civilian 1

¹¹ Statement of Civilian 1, (Att. 38) Page 17, Lines 26-27

¹² Statement of Civilian 1, (Att. 36) Page 26, Line 17

Street. Once they were inside Civilian 1's apartment, Subject A produced a black handgun and threatened to kill Civilian 2 and Civilian 1, and then kill himself. Civilian 2 stated that she began talking with Subject A and was successful in calming him down and putting the gun away. Subject A then left the apartment and proceeded to walk down the back stairs. Subject A then turned around, took his gun out and again threatened to kill Civilian 2 and Civilian 1. Subject A dragged Civilian 1 back inside the apartment and Civilian 2 tried to hold onto Civilian 1. Subject A then aimed his gun at the floor and shot once. Subject A then racked the slide of the weapon and a cartridge fell to the floor. Subject A then aimed his gun at Civilian 2 and told her to get out. Civilian 2 stated that she stepped on the cartridge, picked it up and exited the apartment.

Civilian 2 stated that she ran downstairs and knocked on a neighbor's door, but there was no answer. Civilian 2 could hear Civilian 1 screaming and telling Subject A not to kill her. Civilian 2 then proceeded to the upstairs apartment, where the neighbor let her in. Civilian 2 then called the police and told the dispatcher that her friend's boyfriend was trying to kill her. While inside the neighbor's apartment, Civilian 2 heard another gunshot being fired from within Civilian 1's apartment.

When the police arrived, Civilian 2 showed the officers the apartment and she stood on the front porch. Civilian 2 heard the officers yell, "drop the weapon!" Approximately thirty seconds later, as Civilian 2 was exiting the front gate, she heard approximately eight (8) gunshots. Civilian 2 did not see the officers firing at Subject A, as she only heard the gunshots. (Att. #32).

In an interview on 04 October 2015, **Witness Civilian 3** stated that at approximately 0600 hours on 04 October 2015, he was sitting on his front porch located at XXXX W. Grenshaw Street. Civilian 3 observed two black females enter the apartment building located at XXXX W. Grenshaw Street, directly across the street from him. A few hours later, Civilian 3 observed one of the female's exit the building, screaming that she and her friend were taken hostage and that a man was going to kill them. The female ran to Civilian 3's front stairs and called 911. Several minutes later, officers arrived and entered the apartment building. Civilian 3 was standing on the south sidewalk of Grenshaw Street when he heard officers state, "Put the gun down," several times. Civilian 3 then heard "a bunch" of shots being fired, but did not observe the shooting. (Att. #30).

IPRA Investigators conducted a separate canvass, in an attempt to locate additional witnesses and evidence.

Civilian 4, who resides at XXXX W. Grenshaw Street, Apt. 3M, related that she woke up to a woman screaming. Seconds later, she heard police officers kick in the door and heard multiple voices say, "drop the gun," several times. Civilian 4 heard several gun shots, but did not see the police involved shooting.

Civilian 5, who resides with Civilian 4, heard police officers beating on the door to the downstairs apartment. Seconds later, Civilian 5 heard an officer state, "please drop the gun," and

another officer state, “drop the gun,” several times. Civilian 5 then heard several gun shots, but did not witness the police involved shooting.

Civilian 6, who resides at XXXX W. Grenshaw Street, Apt. 3R, related that she heard one gun shot in the apartment below hers. Seconds later, Civilian 6 opened her apartment door and encountered a black female calling for help. The police were called and they arrived at the downstairs apartment. Civilian 6 heard the officers state, “Put the gun down,” several times. Civilian 6 then heard a man state, “ya’ll gonna have to kill me.” Civilian 6 stated she heard one gun shot, a pause, and then several more gun shots. Civilian 6 was in her apartment and did not see the police involved shooting. (Att. #31).

INVOLVED AND WITNESS OFFICER STATEMENTS

In his statement to IPRA on 16 October 2015, involved officer Officer A stated that once they reached the second floor landing, they observed two apartment doors; one on the left and one on the right. There were no sounds coming from either door. Officers A and B then asked Officer C to bring up the unknown female so she could identify the correct apartment door. The unknown female entered the stairwell and pointed to the apartment door on the right, which was labeled “2R”. Officer C then went over the radio and notified OEMC that they located the door and they were going to make forcible entry into the apartment.

Officer A stated that Officer B approached the door and turned the door knob to see if it was unlocked, which it wasn’t. Officer B then knocked on the door and announced his office. There was no response. Officer B then moved to the left and positioned himself one or two steps up from the landing. Officer A took a position on the stairs leading down to the first floor. Officer A approached the door and turned the knob with his left hand while holding his weapon in his right hand. Officer A found the door to still be locked. Officer A then knocked on the door and announced his office. Again, there was no response. Officer A stated that it was very quiet and they could not hear any noises or voices coming from the apartment. At that point, the officers decide to make entry into the apartment. Officer A stood on the landing, held his weapon in his hand and began kicking the door with his right foot by kicking it backwards. Officer A stated that he kicked the door about five times, but the door wouldn’t open. Officer A holstered his weapon, turned around, grabbed on to the banister and wall and began to front kick the door¹³. Officer A kicked the door three times and then the door swung open to the left.

Once the door swung open, Officer A observed Subject A standing against the wall facing him with a semiautomatic hand gun in his right hand pointed directly at Officer A. Officer A yelled, “He’s gotta gun. He’s gotta gun.”¹⁴ Officer A then jumped out of Subject A’s view in an attempt to avoid being shot. Officer A jumped down the stairs towards Officer D. Officer A turned around, took his weapon out, got on his knees and peeked around the Dorner of the door jamb to look inside the apartment. Officer A couldn’t see Subject A and yelled to Officer B that

¹³ Officer A was now facing the door.

¹⁴ Statement of Officer A, (Att. #54), Page 15, Lines 23-24

he could not see him. Officer A began giving out commands to the effect of, “Police come out. Come out, drop the gun. Come out with your hands up,”¹⁵ multiple times. Subject A replied, “fuck you, I ain’t coming out. You, you come in and shoot me. I’m not dropping my gun.”¹⁶ At the same time, Officer A heard officers attempt to break down the rear door of the apartment. The officers decided not to enter the apartment and engage Subject A, for reasons of officer safety and to prevent crossfire from the officers attempting to enter from the rear. Officer A stated that Subject A continued to refuse to exit the apartment and that there was a silence for several moments. Officer A believed that the officers made entry from the rear and may have possibly apprehended Subject A.

Officer A stated that suddenly, Subject A exited the front door in a “sprint”¹⁷ and entered the landing area. Officer A observed Subject A holding the gun in his right hand, high above his head, with the weapon pointing towards him, Officer C, and Officer D. Officer A observed Mr. Subject A’s finger on the trigger. At that time, Officer A began firing his weapon towards Mr. Subject A. Officer B also fired his weapon while he was walking backwards up the stairs leading to the third floor. Officer A saw Officer B trip and fall. Officer A continued to fire his weapon until Subject A dropped his gun fell to the floor, landing in a fetal position on the second floor landing. Officer A stated that Officer D was very close to him when he started firing his weapon.

Officer A did not recall that he backed into Officer D, causing her to fall down the stairs towards Officer D. Officer A learned later of what happened to Officers C and D. Officer A then secured the scene and checked on Subject A to see if there were any signs of life. Officer A did not observe any signs of life and then radioed “shots fired, shots fired by the police.”¹⁸ Officer A then felt a burning sensation on the left side of his torso. Officer B conducted a body check on Officer A and found a spent shell casing that was lodged between Officer A’s body and his bulletproof vest. Officers A and B stayed with Subject A, while Officers C and D entered the apartment and located the female victim. Officers A and B stayed in the staircase until they were relieved by their Lieutenant.

Officer A stated that he did not have any contact with the female victim that was located inside the apartment. Officer A later toured the apartment with the responding detectives and observed a large size butcher knife with blood on it and the handle broken off the blade. (Atts. #53-54).

In his statement to IPRA on 16 October 2015, Involved Officer B stated that he was assigned to Beat XXXXXX with Officer A. Officer B and Officer A were in plainclothes and assigned to a marked Chicago Police Ford Explorer. Officer B stated that on the date in question, he was Carrying his personal M4 rifle, which he was authorized to carry by the Department. Officers B and A were on patrol when they heard a call come over the air of a domestic

¹⁵ Statement of Officer A, (Att. #54), Page 16, Lines 7-8

¹⁶ Statement of Officer A, (Att. #54), Page 16, Lines 12-14

¹⁷ Statement of Officer A, (Att. #54), Page 16, Line 32

¹⁸ Statement of Officer A, (Att. #54), Page 17, Lines 26-27

disturbance involving a man with a gun. Officers B and A responded to the location. Upon arrival, Officer B removed his rifle from the rear cargo area and cycled a round into the chamber. Officer B stated that he deployed his rifle as he was responding to the call of a man with a gun, where a shot had been heard by the dispatcher via the 911 Dall. Officer B went to the west side of the building where he met Officer C. Officer C was speaking with a woman who was distraught, saying “he shot ‘er, he shot ‘er.”¹⁹ Officer C continued to speak with the woman, who related that this all occurred on the second floor.

Officer B stated that Officer C began to make her way into the apartment building, but he stopped her. Officer B told her that he would go first since he had the rifle. Officer B entered the building and encountered a narrow stairwell that led up to the second floor²⁰. Officer D entered the building with the distraught woman who pointed out the correct door. Officer B knocked on the door and announced his office. There was no response. Officer B then tried to open the door, but it was locked. Officer B relocated to the stairs leading up to the third floor and took Dover. Officer A knocked and tried to open the door, but there was also no response. Officer B stated that a “determination was made to boot the door as we believed the woman inside was in eminent danger as her friend had told us she was shot.”²¹ Officer B stated that there was a radio transmission in regards to making entry, but could not recall the specific details of the conversation/call.

Officer B stated that Officer A positioned himself in front of the door and attempted to kick the door open. At first, Officer A tried to “kick it like a mule kick,”²² but couldn’t get the door open. Officer A then turned around and gave the door three to four more kicks, finally getting the door open. Officer A immediately dove out of the way stating “He’s gotta a gun, he’s gotta gun.”²³ Officer B peeked around the stairway and looked into the apartment and observed Subject A standing in the apartment with the gun pointed towards the door. Officer B immediately pulled his head out of the way and stated “He’s right there, he’s got a gun.”²⁴ Officer B began instructing Subject A to drop his weapon and come out with his hands up. Subject A responded, “Fuck you, shoot me. I’m not coming out. You have to come in.”²⁵ Officers A and D also gave Subject A directions to come out, but he refused to comply²⁶. Officer A was located on the top step of the stairs leading to the second floor. Officer A had his weapon drawn and the door to the apartment was to the right of him.

Officer B heard officers in the rear of the apartment attempt to kick open the rear door. At that time, Subject A quickly exited the front door with his gun pointed at Officer B. Officer B

¹⁹ Statement of Officer B (Att. #51) Page 13, Lines 4-5

²⁰ Officer B described the stairwell as being “tight” and that the landings were not very large.

²¹ Statement of Officer B (Att. #51) Page 13, Lines 20-23

²² Statement of Officer B (Att. #51), Page 22, Line 19

²³ Statement of Officer B (Att. #51) Page 13, Lines 25-26

²⁴ Statement of Officer B (Att. #51) Page 14, Line 2

²⁵ Statement of Officer B (Att. #51) Page 14, Lines 9-10

²⁶ Due to his vantage point, Officer B did not know where Officer C was located. Officer B knew that Officer C was located behind Officer A, but he could not see her directly

fired his first shot and then heard another shot. Officer B was “convinced that it was him [Subject A] shooting”²⁷ as Subject A advanced towards him. Officer B fired his weapon three more times as he climbed up the stairs in an effort to gain coverage. While climbing the stairs, Officer B tripped and fell. Officer B “immediately jumped up”²⁸ and continued up the stairs because he believed Subject A was following him. As he was making his way up the stairs, Officer B continued to hear multiple gun shots. Officer B then made his way down the stairs and radioed “Shots fired.” As Officer B approached the landing he observed Subject A lying on his side, “in a fetal position.”²⁹ Subject A’s gun was lying on the floor close to a stair railing, a short distance away from one of Subject A’s hands. Officers B and A then checked each other make sure that they weren’t injured. Officers B and A stayed in the stairwell to secure the scene until a supervisor arrived. Officer B did not speak with the female victim who was located inside the apartment. (Atts. #50-51).

In his statement to IPRA on 13 October 2015, Witness Officer D stated he was working Beat XXXX by himself when he was dispatched by OEMD to a Dall of a domestic disturbance at XXXX W. Grenshaw Street. Officer D arrived at the same time as Officers B and A. Officer D stated that Officer C was already on scene. The officers observed a woman kneeling by the front door on the west side of the building, crying. Officers C, A and B approached the woman, while Officer D followed behind them. Officer D overheard the woman³⁰ shout, “I think my friend’s dead. I think my friend’s dead. He shot her. He shot her.”³¹ Officers A and B entered the apartment building, followed by Officer C and Officer D. The woman followed the officers into the building’s stairwell and directed them to the apartment. Officer D then told the woman to leave the area, due to safety concerns.

Officers B and A were the first to approach the apartment’s front door. Officers D and C were located next to each other in the stairwell observing Officers B and A. Officer D stated that the stairwell was very narrow. Officer A began knocking on the door, while everyone else was announcing their office and instructing the occupants to open the door. Officer B took position on the stairs leading to the floor above, in an effort to obtain cover for himself. Officer A took position next to the door on the stairs leading below, taking cover by the adjacent wall. Officer A continued to knock on the door with his left hand and stated, “Police, open up, open up, police.”³² There was no response and there was no noise coming from the apartment. Officer C went over the radio and asked for approval to make forced entry into the apartment. An unknown sergeant responded over the radio and approved them to make forced entry into the apartment. Officer A positioned himself in front of the door, while the officers covered him. With his back facing the door, Officer A began kicking the door but it would not open. Officer A then turned around, faced the door and began kicking the door multiple times.³³

²⁷ Statement of Officer B, (Att. #51) Page 32, Lines 6-7

²⁸ Statement of Officer B, (Att. #51), Page 14, Line 24

²⁹ Statement of Officer B, (Att. #51), Page 36, Lines 14-15

³⁰ This woman was later identified as Civilian 2

³¹ Statement of Officer D (Att. #45), Page 9, Lines 12-14

³² Statement of Officer D (Att. #45), Page 19, Lines 27-28

³³ Officer D believed that Officer A kicked the door between 5 to 10 times before it opened.

Officer D stated that the door then opened and Officer A “jump[ed] outta the way, into the stairwell coming down the stairs.”³⁴ Officer A then yelled out, “Gun, gun.”³⁵ Officer D heard the other officers instruct the subject several times to “put the gun down.” The subject then stated, “I ain’t puttin’ the fuckin’ gun down. I ain’t puttin’ the fuckin’ gun down. You’re gonna have to come here and fuckin’ kill me”³⁶ Officer D took two steps back down the stairs to take cover. Officer D went over the radio to broadcast that the offender had a gun.

Officer D stated that Officer C was now in front of him, and behind Officer A. Due to his location in the stairwell, Officer D could not see Officer A or the front door to the apartment. Officer A took a step forward, and made contact with Officer C. Officer C fell backwards into Officer D’s waist and they tumbled down the stairs. As Officer D tumbled down the stairs, he heard a “rapid succession of shots, all in a row.”³⁷

Officers D and C picked themselves up off the floor and heard Officers B and A asking each other if they were alright. Officers D and C walked up the stairs and met with Officers B and A and to check on them to see if they were shot. Officer A believed that he was shot, but upon closer observation, there was a piece of shrapnel lodged in his vest. Officer D looked over and observed the subject, Subject A, on the floor in a “crouched position”³⁸ with blood on his shirt. Officer D observed a two-tone semiautomatic handgun on the floor next to Subject A’s body. Officer D then followed Officer C into the apartment in search of the victim. Officers D and C followed a blood trail into the kitchen and found the victim, Civilian 1, lying near the back door “playing dead.”³⁹ Responding officers then kicked in the rear door and entered the apartment from the rear porch. Officer C immediately took Civilian 1 to an ambulance to be treated. Officer D stayed on scene and waited for further directions. (Atts. #44-45).

In her statement to IPRA on 15 October 2015, witness Officer C stated that she was working Beat XXXX by herself when she heard Beats XXXX and XXXX being dispatched to a call of a domestic disturbance over the air. Beat XXXX related that they were several blocks away and that it would take them some time to get to the location. Officer C went over the air and stated that she was four blocks away and that she would go to the location. Officer C arrived on scene, exited her squad car, and observed a plainclothes officer conducting a pat down of an unknown male near one of the entrances to the building. Officer C stated that she was familiar with the building due to responding to previous unrelated calls at that location. Officer C stated that there were six units in the front of the building and six units in the rear of the building. Officer C radioed the dispatcher to see if she could reach the 911 caller to get the exact location of the apartment. The dispatcher was unsuccessful in reaching the 911 caller. Officer C then walked towards the rear of the building where she observed a woman on her hands and knees

³⁴ Statement of Officer D (Att. #45), Page 10, Lines 19-20

³⁵ Statement of Officer D (Att. #45), Page 25, Line 23

³⁶ Statement of Officer D (Att. #45), Page 21, Lines 4-7

³⁷ Statement of Officer D (Att. #45), Page 10, Line 30

³⁸ Statement of Officer D (Att. #45), Page 11, Lines 16-18

³⁹ Statement of Officer D (Att. #45), Page 11, Line 25

close to the main rear door leading to the rear apartments. Officer C approached and asked her if she was okay. The female responded that she was okay, but that her girlfriend was shot and that she was upstairs.

Officer C stated that she found the front main door to be closed and locked. Officer C began using the buzzers to various apartments in an effort to get buzzed into the building. An unknown tenant buzzed the door and Officer C opened it. Officers B and A had now arrived at Officer C's location and made their way into the building. Officer B and Officer A made their way to the 2nd Floor landing where they observed two doors, one on the left and one on the right. Officers B and A then asked Officer C if the woman knew which apartment her friend was located in. The woman told Officer C that it was the apartment on the right. Officer B took position on the stairs leading up to the third floor and Officer A took position on the stairs leading down from the second floor, next to the apartment door. Officer C took position behind and to the left of Officer A. Officer D arrived and stood approximately four to five steps behind Officer C. Officer A began to knock on the door and state, "Police, police open the door."⁴⁰ Officer A did this several times with no response. Officer C told Officer A that there was a victim in the apartment and that they would have to make forced entry. Officer C went over the air and asked for approval to make forced entry into the apartment, which a sergeant approved.

Officer C stated Officer A placed himself on the second floor landing with his back facing the apartment door. Officer A began to kick the door, in an effort to open it. Officer A kicked the door approximately four or five times without any effect. Officer A turned around and was now facing the door. Officer A holstered his weapon, placed both his hands against each side of the walls for leverage and began kicking the door. After the second or third kick, the door opened and Officer A immediately saw the subject. Officer A jumped down the stairs, unholstered his weapon and yelled out "Drop the gun. Drop the gun. Drop the gun."⁴¹ Officer C heard the subject state, "I'm not dropping anything. I'm not droppin' it."⁴² The Officers again asked Subject A to drop the gun but he refused. Officer C observed Officer B look around the wall from where he was standing and ask Subject A to drop the gun. Subject A responded, "You're gonna have to shoot, you're gonna have to kill me. I'm, I'm not, I'm not droppin' the gun."⁴³ Officer C stated that it went silent for several seconds and she then stated, "Please drop the gun."⁴⁴ Subject A again responded, "I'm not droppin' it, I'm not droppin' it." Officer C stated that Subject A came out on to the landing holding a black semiautomatic handgun up by his right shoulder, with the weapon pointed at Officer B.

Officer C stated that Officer B fired his weapon at Subject A. Subject A turned and faced Officers C and A. Officer A, who was in front of Officer C, had one foot on the landing and his other foot on the second step. Officer A began firing his weapon. Officer C stated that, "I think from the shooting like he, I don't know how many times he shot but I think from the impact of

⁴⁰ Statement of Officer C (Att. #48) Page 13, Line2 18-19

⁴¹ Statement of Officer C (Att. #48) Page 14, Lines 21-22

⁴² Statement of Officer C (Att. #48) Page 14, Lines 23-24

⁴³ Statement of Officer C (Att. #48) Page 14, Lines 30-32

⁴⁴ Statement of Officer C (Att. #48) Page 15, Lines 3-4

shooting his back foot stepped onto me. I ended up falling backwards....kinda like rolled onto D and then, uh, landed kinda like on the first floor foyer.”⁴⁵ At first, Officer C believed that Officer A was shot and fell back into her, but she realized later that Officer A had stepped backwards as he began to fire. Once on the first floor landing, Officer C did not hear anything. Officer C went over the air and reported “shots fired at and by the police,” and requested ambulances to the scene.

Officer C walked back up the stairs and observed Officers B and A “in shock.”⁴⁶ Officer A feared that he was shot and Officer B began checking him. Officer C observed Subject A in the middle of the landing slouched down with his head down. Officer C entered the apartment in search of the victim. At first, Officer C did not see anyone. Officer C stated that there was blood in the apartment and she began following the blood into the kitchen, where she located the victim, hiding behind the refrigerator. Officer C observed the victim to be bleeding from her mid-section and arm. Officer C made contact with the victim and told her that she was safe. Officer C radioed for EMS to make entry through the rear door. Several moments later, assisting officers and paramedics entered through the rear door and provided aid to the victim. (Atts. #46-48)

EVIDENCE

According to the **Detective Supplementary Report** dated on 06 January 2016 and completed by Detective A, #XXXXX, related that Officers B, A, C and D responded to a domestic related call of a person with a gun at XXXX W. Grenshaw. Upon arrival, officers made contact with Civilian 2 outside of the building. Civilian 2 stated “he shot her, he shot her, please help.” Civilian 2 then directed the officers to apartment “2R.” Officers B and A entered the building first, followed by Officers C and D. The officers knocked on the apartment door and announced their office, but there was no answer. Officers then requested via radio to make forced entry into the apartment, which was approved. After several attempts, Officer A kicked the door open and observed the subject, Subject A, standing inside the apartment with a gun pointed in Officer A’s direction. Officer A quickly moved out of the line of fire and attempted to seek cover. The officers then ordered Subject A several times to drop his weapon and to come out with his hands up, which Subject A refused to do. Subject A then entered the stairway with his gun pointed in the direction of Officers B and A. Officers B and A, in fear for their lives, fired their weapons at Subject A striking and fatally wounding him. (Att. #62)

According to the **Tactical Response Report (TRR)**, completed by Officer A and Officer B, Subject A did not follow verbal direction, was an imminent threat of battery, and used force likely to cause death or great bodily harm with a weapon. Officers A and B responded with member presence, verbal commands, and the discharge of their firearms. (Atts. #7, 9)

According to the **Officer’s Battery Report (OBR)**, on the date, time and location of

⁴⁵ Statement of Officer C (Att. #48) Page 15, Lines 13-24

⁴⁶ Statement of Officer C (Att. #48) Page 16, Line 11

incident, Officers A and B were in citizen's dress and responded to a domestic disturbance with a man with a gun. Officers A and B sustained non-fatal minor injury (Bruises, swelling, minor abrasions). (Atts. #8, 10)

According to the **Tactical Response Report (TRR)**, completed by Officer D, Subject A did not follow verbal direction, was an imminent threat of battery, and used force likely to cause death or great bodily harm with a weapon. Officer D responded with member presence and verbal commands. (Att. #11).

According to the **Officer's Battery Report (OBR)**, on the date, time and location of incident, Officer D was in uniform and responded to a domestic disturbance with a man with a gun. Officer D sustained non-fatal major injury, which included bruising, swelling, and minor abrasions. (Att. #12).

According to the **Tactical Response Report (TRR)**, completed by Officer C, Subject A was an imminent threat of battery, and used force likely to cause death or great bodily harm with a weapon. Officer C responded with member presence and verbal commands. (Att. #13).

According to the **Officer's Battery Report (OBR)**, on the date, time and location of incident, Officer C was in uniform and responded to a domestic disturbance with a man with a gun. Officer C sustained non-fatal minor injury (Bruises, swelling, minor abrasions). (Att. #14).

The **Evidence Technician Photographs** depict the scene of the shooting from various angles. Photos also depict several shell casings, bullet fragments and a two toned Hi Point semi-automatic firearm located within arm's-reach of Subject A's body on the landing. (Evidence marker #7). Photographs were also taken of Subject A's body located in the stairway. The photographs also depict multiple pictures of Officers A and B. (Atts. #25-27)

The **OEMD and PDAD reports** were collected and made part of this case file. (Atts. #16-17).

Civilian 2 Called 911 October 4, 2015; 08:24:36; Event #1527703908

Call Taker: Chicago Emergency, "Carlile," Hello?
911 Caller: Can you please help me? Please, please, please!!!
Dall Taker: What's wrong, ma'am?
911 Caller: My friend's boyfriend threatened her with a gun, he shot in the floor already, and he threatened to kill her and him.
Call Taker: What's the address, what's the address?
911 Caller: XXXX W. Grenshaw, please!!!
Call Taker: XX, what?
911 Caller: XX
Dall Taker: What floor ma'am?
911 Caller: The second floor.

Call Taker: You said XXXX W. Grenshaw, 2nd floor?
911 Caller: YES! Yes, yes...
Call Taker: What's the last name? Are you in the house, or what?
911 Caller: I ran out cuz he said he's gonna kill me too if I don't go. I ran out by myself, I'm on the third floor now.
Call Taker: Okay, um, are you able to get outside? What's your name?
911 Caller: My name is Civilian 2; I heard a gunshot when I left out the door, Can y'all please come on?
Call Taker: Alright, be looking out for the police, okay.

CPD RADIO TRANSMISSIONS, BEGIN AT 08:27:39 HOURS:

Dispatcher: XXXX
Beat XXXX: 33
Dispatcher: XXXX for the assist,X-X-X-X
Dispatcher: 33, it a person with a gun, it looks like it's domestic related, XXXX W. Grenshaw. Second floor. Civilian 2 stated a male with a gun threatened a girlfriend in the apartment and she ran out of the apartment to the third floor, then she heard a shot fired.

At 08:32:26 Officers began to arrive on scene.
At 08:33:24 Officers request to make forced entry.
At 08:33:52 Additional Officers attempt to enter the rear of the apartment.
At 08:34:01 Dispatcher asked, "Does he have a gun?"
At 08:34:06 Officers make Forced entry.
At 08:34:21 Officers announce that the Subject is armed.
At 08:34:32 Officers announce Shots fired.
At 08:34:39 Shots fired at the police.
At 08:34:57 Shots fired by CPD.

The **Chicago Fire Department Ambulance Report** documents that Subject A was located inside the apartment building where he was pronounced deceased by Engine XX. Civilian 1 was located on the scene. The narrative related that Civilian 1 appeared to have several wounds on both her forearms, one gun shot wound to the right forearm, and two gun shot wounds to the left forearm. Civilian 1 complained of a "broken arm" and that she had been stabbed several times about her body; the assessment of the reported sharp force injuries found small abrasions with no significant wounds. (Att. #39).

The **Medical Examiner's Report** documents the postmortem examination of Subject A. The report indicates that Subject A was shot sixteen (16) times, with several of the rounds that struck him causing multiple entry and exit injuries, resulting in twenty-three (23) total gunshot wounds. Subject A was shot seven times in the head, four times in the chest, once in the neck, once in the right ear, once in the left arm, once in the right arm, 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 alcohol in Subject A's system. (Att. #67).

Medical Records from **X Hospital** document that Civilian 1 sustained one gunshot wound to her right forearm, a stab wound to her left forearm, and a right fractured middle finger. Civilian 1 also sustained multiple lacerations around her torso and upper body. (Att. #71)

Illinois State Police Forensic Science Laboratory Reports document the examination of the recovered ballistic evidence, in comparison to the firearms belonging to Officer B and Officer A. The firearms tested were found to be in proper firing condition. Based upon analysis of ISP Reports and Forensic Reports, it was determined that Officer A fired fifteen (15) times. The shell casings and fired bullets were compared to Officer A's firearm and found to match the respective weapon. Officer B fired four (4) times. The shell casings and fired bullets were compared to Officer B's firearm and found to match the respective weapon.

The ISP reports further document that the Gun Shot Residue test conducted on Subject A were positive, indicating that he discharged a firearm, contacted an item that had gunshot residue on it, or had both of his hands in the environment of a discharged firearm.

The ISP reports also document that the two (2) fired .380 caliber cartridge cases were compared to the Hi-Point model DF380 reportedly belonging to Subject A. The report indicates that the cartridge cases were fired from Subject A's weapon. Swabs taken from the weapon showed positive for the presence of blood, but no further comparisons were made. (Att. #72, 74).

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...”

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; 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).

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

Officer B and Officer A responded to a domestic related call that involved a man with a gun. While en route to the call, the dispatcher informed the officers that the 911 caller, Civilian 2, had reported that she had heard a gunshot coming from within the apartment. Upon arrival, Officer B and Officer A made contact with Civilian 2, who informed the officers that there was an actively unfolding situation inside the apartment, where Subject A had already shot Civilian 1 at least once.

Due to the nature of the incident, and the possibility that Civilian 1 was in real and imminent danger, the officers sought and received authorization to make immediate entry into the apartment. Once the door was breached, the officers found themselves face to face with Subject A, who was visibly armed and was pointing the handgun at the responding officers. The officers gave Subject A multiple commands for him to drop the gun and come out with his hands up. Subject A not only refused their commands, but responded that the officers would "have to kill" him. The officers, recognizing that further entry into the apartment may not be tactically sound, stood their ground in the stairwell. Without warning, Subject A charged towards the officers, pointing his weapon at them. Officer B and Officer A, fearing for their lives, discharged their firearms at Subject A, fatality wounding him.

The involved and witness officers in this event have reported that Subject A demonstrated violent and non-Compliant behavior, ultimately attacking them with a weapon – which led to their decision to use deadly force. Subject A's predisposition to violence is supported by the accounts provided by Civilian 1 and Civilian 2, who both reported that Subject A was extraordinarily violent, and posed to kill both women at any moment.

Both Civilian 2 and Civilian 1 have stated that Subject A was armed with a firearm and threatened them both with it multiple times as this event unfolded. Both women report that Subject A fired his weapon once into the floor, and Civilian 1 has stated that Subject A shot her with his weapon after Mr. Civilian 2 escaped from the residence. The statements of both of the eyewitness support the assertion that Subject A was armed with a firearm.

The assertion that Subject A was armed is further supported by the physical evidence, which shows that Subject A had gunshot residue on his right hand. The assertion is further supported by the ballistic evidence, which shows that the rounds fired within the apartment matched the weapon that Subject A was holding at the time he was shot by the police.

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 A posed an active and real threat towards the officers, as he was pointing a weapon at them. Subject A presented the means and opportunity to place the

officers in jeopardy of receiving great harm, or death. Officer A and Officer B were faced with a person who could, at any moment, use deadly force against them; they therefore chose to use deadly force themselves to prevent that from occurring.

General Order 03-02-03, III, also specifically states that a sworn member may use deadly force in order to “to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested 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...” In this particular instance, the officers were reasonable to believe that Subject A had committed a forcible felony, based upon the information they had received up until the point they came in contact with him. The officers were provided information from 911 dispatch that the subject was armed with a firearm, and that a shot had been heard. Upon arrival, the officers were informed by Civilian 2 that Subject A had already shot someone. Subject A himself informed the officers that he did not intend to surrender to arrest and that they would have to shoot him, a clear expression of his willingness to resist and/or defeat his arrest.

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