

INVESTIGATION

NUMBER: Log #1079080
U #16-001

INVOLVED

OFFICER #1: “Officer A” (Chicago Police Officer); Male/Hispanic; 38 years old;
On-duty; In Uniform; Year of Appointment – 2013

OFFICER #1’s

WEAPON: Smith & Wesson model M & P; 9mm semi-automatic pistol; Serial #XXXXXXX; City Registration #XXXXXXX; FOID #XXXXXXX; (14) live rounds recovered from firearm; Weapon capacity of 18 rounds; Fired four (4) times.

OFFICER #1’s

INJURIES: None Reported.

INVOLVED

OFFICER #2: “Officer B” (Chicago Police Officer); Male/Hispanic; 32 years old;
On-duty; In Uniform; Year of Appointment – 2013

OFFICER #2’s

WEAPON: Smith & Wesson model M & P; 9mm semi-automatic pistol; Serial #XXXXXXX; City Registration #XXXXXXX; FOID #XXXXXXX; (11) live rounds recovered from firearm; Weapon capacity of 18 rounds; Fired seven (7) times.

OFFICER #2’s

INJURIES: None Reported.

SUBJECT: “Subject 1”; Male/Black; 29 years old

SUBJECT’S

INJURIES: Gunshot wound to abdomen; Fatal.

SUBJECT’S

WEAPON: Taurus model 740; Serial #XXXXXXX; No (0) live rounds recovered from the weapon; fired at least five (5) times; See Crime Scene Processing Report.

LOCATION: XXXX S. Paulina Street
Beat XXX

DATE/TIME: 31 January 2016, 0425 hours

TIME OF IPRA

NOTIFICATION: 31 January 2016, 0445 hours

TIME OF IPRA

RESPONSE: 31 January 2016, 0545 hours

SUMMARY OF INCIDENT:

On 31 January 2015, at approximately 0421 hours, Officer A, #XXXXXX, and Officer B, #XXXXXX, were on duty and working Beat XXXX when they responded to a call of a man with a gun at XXXX S. Paulina Street. As the officers were en route to the location, a second call was dispatched from the same location that a man with a gun had kicked in the door. As Officers A and B approached the residence, they observed that the glass bottom of the screen door was broken, and the front door was open. The officers then heard yelling coming from inside the residence. Officer B entered the residence first, followed by Officer A. Though there were no lights on in the living room, the officers could see light coming from the dining room. Officer B entered the residence quietly and observed a black male, now identified as Subject 1, standing in the dining room with a gun in his hand. Officer B yelled, "Police, let me see your hands!" Subject 1 turned and pointed the gun toward Officer B, at which time Officer B discharged his firearm several times.

Officer B moved backwards against a wall in the living room. Meanwhile, Officer A retreated from the vestibule area into the living room and observed muzzle flashes coming from the area where Subject 1 was standing. Officer A then saw Subject 1 moving in his direction and discharged his firearm several times. Officers A and B subsequently retreated from the residence, into the front yard, to take cover.

Additional responding officers entered the residence and discovered Subject 1 lying face down on the floor with a female subject, now identified as Civilian 1, crying and kneeling over him. An ambulance responded to the scene and Subject 1 was pronounced deceased.

The ensuing investigation would later show that Subject 1 fired his weapon at least five (5) times at the officers as they encountered him in the home.

INVESTIGATION:

I. Interviews

A. Civilian Interviews

On 31 January 2016, **Witness Civilian 1** provided a statement to IPRA Investigator A. Civilian 1 stated that she and her boyfriend of five months, Subject 1, had

been out drinking, celebrating Subject 1's upcoming birthday.¹ During the early morning of 31 January 2016, Subject 1 and Civilian 1 drove past XXXX S. Paulina Street. Civilian 1 explained that three weeks prior, Subject 1 had been robbed by an unknown male at this location during a narcotics transaction.

On 31 January 2016, as they drove past the home, Subject 1 told Civilian 1 that he believed someone who lives at that address set him up, and he wanted to find out who was responsible. Subject 1 circled back around the block and parked across the street from the residence. Subject 1 told Civilian 1 to knock on the door. Civilian 1 did as she was instructed and a woman, Civilian 3, answered the door. Civilian 1 asked Civilian 3 whether she knew anything about the robbery attempt. Civilian 3 denied having knowledge of the incident. Subject 1 accused Civilian 3 of lying and walked away to get his gun.

Civilian 3 and another woman who had come to the door quickly closed the front door. Civilian 1 stated that Subject 1 kicked in the front door and he and Civilian 1 entered the house. Civilian 3 ran into a front bedroom. Subject 1 and Civilian 1 followed Civilian 3 into the bedroom and Subject 1 pointed his gun at Civilian 3. Civilian 1 stated that the police arrived at some point and Subject 1 stepped out of the room. Civilian 1 stated that Subject 1 must have shot at the police because she saw him raise his gun at the police, and then heard approximately six or seven gunshots in succession.² Civilian 1 ran out of the room and saw two uniformed police officers standing at the front door, one behind the other.³ Subject 1 was lying face down on the floor, with his arms outstretched in front of him, and his legs extended behind him. Subject 1's body was facing the officers and his gun was on the floor next to him. Civilian 1 ran to an upstairs bedroom and asked for help but the residents quickly turned her away. Civilian 1 returned to the first floor and the police brought her out of the house, handcuffed her, and placed her in a squad car. (Att. 43)

On 31 January 2016, **Witness Civilian 2** provided a statement to IPRA Investigator B and CPD Detective A. Civilian 2, who resides at XXXX S. Paulina Street, stated that on the date of this incident, she was in the dining room playing a card game with her daughter, Civilian 3, and her niece, Civilian 4.⁴ Civilian 3 heard a knock at the front door and got up to answer it. Civilian 2 and Civilian 4 waited for Civilian 3 to return, but became concerned when they heard loud voices at the front door. Civilian 2 and Civilian 4 went to the door and observed Civilian 3 on the porch arguing with Subject 1 and Civilian 1. Subject 1 was holding a gun at his side. Civilian 1 explained that she was robbed earlier by a person who came out of the gangway at XXXX S.

¹ Civilian 1 stated that she and Subject 1 consumed two (2) fifths of Hennessy in the hours leading up to the incident, and were both intoxicated at the time this incident occurred.

² In her statement to IPRA, Civilian 1 said that she did not see Subject 1 or the police actually fire their weapons. In her statement to CPD, she stated that she did observe Subject 1 fire his weapon at the officers.

³ Civilian 1 could not provide any further description of the two officers.

⁴ Civilian 2's son and his girlfriend, Civilian 5 and Civilian 6, Civilian 7 and his girlfriend, Civilian 8, were also in the home but had all went upstairs to bed. Civilian 4's six year old daughter was asleep in a bedroom near the kitchen.

Paulina Street. Civilian 3 replied that she was unaware of a robbery occurring, and that she was not associated with the person(s) who may have robbed Civilian 1.

At one point, Civilian 1 grabbed Subject 1 and told him to calm down, which caused Subject 1 to fall backward down the porch steps. Subject 1 stood up and walked across the street to his vehicle, a black Audi Q7. Subject 1 opened the driver side door and either put something in or took something out of the vehicle. Subject 1 then pointed a gun toward the porch. Civilian 2 and Civilian 4 ran inside the residence and yelled for Civilian 3 to come inside. Civilian 3 ran into the house and Civilian 2 slammed and locked the door. Moments later, Civilian 2 heard three to four kicks at the front door and realized the door had been kicked open. Civilian 2 grabbed the phone, ran upstairs to her second floor bedroom, and locked the door.

Civilian 2 stated that she could hear Subject 1 and Civilian 1 inside her residence, although she could not make out what they were saying. Civilian 2 heard Civilian 3 pleading for Subject 1 not to shoot her. Civilian 2 dialed 911 and reported the incident.⁵ When Civilian 2 hung up, she heard seven or eight gunshots coming from within the residence.⁶ Civilian 2 then heard Civilian 3 scream, "Please don't shoot me!" Civilian 2 dialed 911 a second time and pleaded for the police to come. She informed the dispatcher there was a man in her house and that he had just fired his gun. A short time later, Civilian 2 heard sirens and observed the police arrive on scene through her bedroom window. Civilian 2 yelled from her bedroom window that there was a man with a gun inside her home. Civilian 2 heard Civilian 3 yelling, "just get out!" Civilian 2 also heard Civilian 1's voice, but could not decipher what she was saying.

Civilian 2 heard Civilian 3 come upstairs and go to either Civilian 5⁷ or Civilian 7⁸ room. Civilian 2 unlocked her bedroom door and Civilian 5, Civilian 7, Civilian 3⁹, Civilian 6¹⁰, and Civilian 8¹¹ ran into Civilian 2's bedroom. Civilian 2 again spoke to the police through her bedroom window, and the police asked for Subject 1's whereabouts. Civilian 3 related that Subject 1 was on the floor and he had been shot. The police told Civilian 2 from the window that the police were inside and that everyone should lie down on the floor. The police entered the room and led Civilian 2 and her family out the back door of the home. (Att. 92)

On 31 January 2016, **Witness Civilian 3** provided a statement to IPRA Chief Investigator A and CPD Detective B. Civilian 3 stated that she resides at XXXX S. Paulina Street with her mother, Civilian 2, and her younger brother Civilian 5. Civilian 3 related that on the date of this incident, she was in the living room drinking alcohol and playing cards with her mother, Civilian 2, and her cousin, Civilian 4, when the doorbell

⁵ In her statement, Civilian 2 did not provide any detail as to what she told the 911 dispatcher.

⁶ Civilian 2 stated that she did not hear anyone yell police prior to hearing the gunshots.

⁷ Civilian 2 stated Civilian 5 was her son.

⁸ In his statement, Civilian 7 stated he occupied a room at the residence.

⁹ Civilian 2 stated Civilian 3 was her daughter.

¹⁰ In his statement, Civilian 5 identified Civilian 6 as his girlfriend.

¹¹ In her statement, Civilian 8 stated she was the girlfriend of Civilian 7.

rang.¹² Civilian 3 opened the door and observed an unfamiliar male and female, Subject 1 and Civilian 1, on the front porch. Subject 1 asked Civilian 3 if she remembered him. Civilian 3 initially replied no, but after a few moments she did recall seeing Subject 1 three weeks prior outside her residence as she was letting an acquaintance out the front door. Subject 1 and Civilian 1 related that someone robbed them in front of Civilian 3's house, and that the perpetrator came from Civilian 3's gangway.

Civilian 3 stated that Civilian 1 became loud and shouted profanities, which prompted Civilian 2 and Civilian 4 to come to the door. Subject 1 told Civilian 1 to calm down. Civilian 1 in turn grabbed Subject 1, causing him to fall down the stairs. Subject 1 landed on his back and pointed a gun toward the front porch. Civilian 3 stated that Civilian 2 and Civilian 4 apparently saw the gun before she did because they darted back in the house. Civilian 3 quickly followed and locked the front door.

Civilian 3, Civilian 2 and Civilian 4 all ran into Civilian 3's bedroom, which is just off the living room. Civilian 3 then heard someone kicking in the front door and told Civilian 2 to dial 911. Civilian 2 ran upstairs and Civilian 3 and Civilian 4 remained in Civilian 3's bedroom and closed the door. Subject 1 kicked open Civilian 3's bedroom door. Civilian 3 stated that Civilian 5 and Civilian 1 must have heard something at the door because they left the room. Civilian 4 ran toward the kitchen and Civilian 3 locked herself in her bedroom closet.

Civilian 3 stated that a few minutes later, Subject 1 and Civilian 1 returned to the bedroom and Subject 1 pointed a gun at Civilian 3. Civilian 3 told Subject 1 he could search her entire house and would not find the person who robbed him. Subject 1 told Civilian 1 to watch Civilian 3 as he kicked open the basement door, which is adjacent to Civilian 3's room, and searched downstairs. Civilian 3 stated that Subject 1 returned to Civilian 3's bedroom, at which time he heard a noise at the front door. Civilian 3 assumed the police were at the door. Subject 1 stepped out of the room with the gun in his hand. Moments later Civilian 3 heard someone yell, "Drop the gun," followed by the sound of approximately four gunshots. Civilian 3 stated that she did not see the police enter the residence and could not see who fired the shots because she dove to the floor and hid in her closet when the gunfire erupted.

Civilian 3 heard Civilian 1 screaming, "No!" and pleading for Subject 1 to wake up. Civilian 3 left her room and saw Subject 1 lying face down on the living room floor, approximately six to seven feet from her bedroom. Civilian 3 initially ran to Civilian 2's bedroom, but went to her brother, Civilian 5's room, after finding Civilian 2's bedroom door locked. A short time later, Civilian 2 yelled for Civilian 3, Civilian 5 and Civilian 6 to come to her bedroom.¹³ Civilian 2 spoke to the police from her bedroom window. The officers asked where Subject 1 and the gun were. Civilian 3 related that Subject 1 was on the living room floor and she did not know the location of the gun. The police

¹² Civilian 3 related that she consumed approximately five to six cups of Hennessy in a 3 ½ hour period.

¹³ Civilian 3 stated she believes Civilian 4 was downstairs in the bedroom off the kitchen, where Civilian 4's child was sleeping.

entered the residence and escorted Civilian 3 and her family out of the building through the rear door. (Att. 97)

On 31 January 2016, **Witness Civilian 4** provided a statement to IPRA Investigator C and CPD Detective C. Civilian 4 stated that she was playing cards with her aunt, Civilian 2, and cousin, Civilian 3, when Civilian 3 got up to answer a knock at the front door. Civilian 4 stated that she and Civilian 2 heard Civilian 3 exchanging words with an unknown female, so they also went to the door. Civilian 4 observed a male and female, Subject 1 and Civilian 1, standing on the front porch. Civilian 4 stated that Civilian 1 was argumentative and seemed like she was going to engage in a fight with Civilian 3. Civilian 1 grabbed Subject 1 and told him to move out of the way, causing him to fall down the stairs. Civilian 4 stated that as Subject 1 lay on the ground, he aimed a gun toward the front porch. Civilian 4 stated that she, Civilian 3 and Civilian 2 ran inside the house and closed the front door.

Civilian 2 ran upstairs to the second floor of the residence. Civilian 4 and Civilian 3 dropped to the floor and crawled into Civilian 3's room in the event Subject 1 started shooting at the house. Civilian 4 heard several kicks at the front door and within moments Subject 1 had kicked in the front door. Subject 1 and Civilian 1 entered the residence and came into Civilian 3's room, with Subject 1 still holding the gun. Civilian 4 begged Subject 1 not to shoot her. Civilian 4 stated that Civilian 1 said something indecipherable to Subject 1, and Civilian 1 and Subject 1 left the room for several minutes. Civilian 4 stated that she ran into the rear bedroom, near the kitchen, where her daughter was sleeping, and dialed 911. Moments later, Civilian 4 heard knocking at the rear bedroom door. Civilian 4 believed it was Subject 1 at the door and told him she was on the phone with the police. Approximately two to five seconds later, Civilian 4 heard eight gunshots, all in succession.

Civilian 4 dialed 911 again and the dispatcher told her the police were on scene. Civilian 4 walked out of the rear bedroom and saw Subject 1 lying on his stomach on the living room floor with Civilian 1 leaning over him. Civilian 4 stated that Civilian 3 ran upstairs and Civilian 4 returned to the rear bedroom and locked the door. Civilian 4 called the police a final time and the dispatcher told her the police were outside. Civilian 4 then opened the back door to let the police in. The police entered the residence and Civilian 4 was ushered to a nearby squad car. (Att. 93)

On 31 January 2016, **Witness Civilian 8** provided a statement to IPRA Investigator C and CPD Detective B. Civilian 8 stated that she and her boyfriend, Civilian 7, were playing cards with several members of Civilian 7's family. Thereafter, Civilian 8 and Civilian 7 went upstairs to their bedroom and fell asleep. Approximately three hours later, Civilian 8 was awakened by the sound of several gunshots. Civilian 8 heard an unknown male voice downstairs, but could not decipher what the male was saying. Civilian 8 awakened Civilian 7 and made him aware of the situation. Civilian 8 and Civilian 7 exited their bedroom and entered Civilian 2's bedroom, which is also on the second floor. Civilian 2 and Civilian 7 looked out the bedroom window and attempted to communicate with responding officers. Officers entered the residence and

came to Civilian 2's bedroom. The officers escorted Civilian 8 and the others from the residence through the backdoor. As Civilian 8 was exiting the residence, she observed an unknown black male on the floor near the dining room. Civilian 8 stated that she did not witness any interaction between police officers and Subject 1. (Att. 37)

On 31 January 2016, **Witness Civilian 7** provided a statement to IPRA Chief Investigator A and CPD Detective A. Civilian 7 stated that he and his girlfriend, Civilian 8, had been at the residence located at XXXX S. Paulina visiting Civilian 7's cousin, Civilian 9.¹⁴ At approximately 0100 hours, Civilian 7 and Civilian 8 went upstairs to sleep in the middle bedroom on the second floor. At approximately 0400 hours, Civilian 7 was awakened by Civilian 8, who informed him that someone just broke in downstairs and she believed the person(s) had a gun. Civilian 7 heard loud yelling on the first floor, and he specifically heard a female he believed to be Civilian 3 yelling, "No!" As Civilian 7 and Civilian 8 quickly dressed themselves, Civilian 7 heard more than five, and as many as eight, gunshots. Civilian 3 ran upstairs and told Civilian 7, Civilian 8, Civilian 2, and Civilian 5 that someone had been robbed in front of the residence, and the robbery victim was downstairs and had been shot.¹⁵ Civilian 7 and the others went into Civilian 2's bedroom, where they communicated with the police via Civilian 2's front bedroom window. The police officers came upstairs and escorted everyone from the residence through the backdoor. (Att. 95)

On 31 January 2016, **Witness Civilian 5** provided a statement to IPRA Investigator B and CPD Detective C. Civilian 5 that he and his girlfriend, Civilian 6, were asleep in Civilian 5's bedroom when they were awakened by unintelligible yelling in the living room, followed by his sister, Civilian 3, screaming, "No, stop!" Civilian 5 looked out of his bedroom and observed his mother, Civilian 2, in the hallway on the phone saying that someone with a gun kicked in the door and broke into her house. Civilian 5 closed his bedroom door and remained there with Civilian 6. Moments later, Civilian 5 heard six or seven gunshots in a row. Civilian 5 stated that he heard Civilian 3 crying and trying to get into Civilian 2's room but Civilian 2 refused to open the door. Civilian 5 then opened his bedroom door and Civilian 3 told him that someone kicked down the door. An unknown female came to Civilian 5's room asking for help, but Civilian 5 did not let her in. A short time later, Civilian 2 opened her bedroom door and Civilian 5 and the others waited in Civilian 2's room for the police to arrive. The police entered the residence and escorted Civilian 5 and company from the residence through the rear door. Civilian 5 said that he could not see the individual who was shot because the police were surrounding him. (Att. 96)

On 31 January 2016, **Witness Civilian 6** provided a statement to IPRA Investigator C and CPD Detective C that was generally consistent with the information provided by Civilian 5. Civilian 6, however, reported hearing eight gunshots. Civilian 6 added that she never saw the male subject who was shot because he was on the living room floor and the police escorted her out through the rear of the house. (Att. 94)

¹⁴ Civilian 9 left the residence hours prior to the shooting and was not present when the incident occurred.

¹⁵ Civilian 3 did not relate how the robbery victim had been shot.

B. Involved Officers' Interviews

In a statement with IPRA on 29 March 2016, **Involved Police Officer A, #XXXXX**, stated on the date of the incident he was working Beat #XXXX with Police Officer B. The officers were in a marked squad vehicle which was equipped with an in-car camera. Officer A stated he and Officer B responded to a disturbance call at XXXX S. Paulina Street at approximately 0430 hours. As the officers responded to the disturbance call, the call was upgraded to reflect that a person with a gun had broken into the residence. Officer A discussed with Officer B that the incident may be a home invasion, so they decided not to activate their sirens. Once the officers arrived in the area, Officer B parked on the west side of Paulina Street near the corner of 73rd Street. The officers exited their unmarked vehicle with their guns drawn. According to Officer A, once they exited their marked police vehicle he heard a female voice scream in duress. Officer A recalled that the screams were "horrifying," though he could not make out specifically what was being yelled.

Officer A approached the house and observed the glass to the front storm door was shattered and on the ground. The front door was open and screams could still be heard coming from inside the house. Officer A requested police assistance as he and Officer B entered the residence with their guns drawn. Officer B entered the residence first. Once inside, Officer A immediately observed the living room area with the lights off and light coming from a dining room area. At that time, Officer B started to raise his weapon and announce "police." Officer A then heard an unspecific number of gunshots. Officer A observed Officer B discharging his firearm, but did not know if Officer B discharged his firearm first, or if Subject 1 had fired at them first.

Officer A radioed "10-1" and "shots fired at the police." Officer A continued to hear gunshots as Officer B "collapsed" towards him. Officer A believed Officer B had been shot and observed a shadow on the wall in the dining room getting closer to the living room. Officer B told Officer A, "Let's get the fuck out of here," but Officer A stepped over Officer B because he continued to see the shadow coming towards them. Officer A recalled the "shadow" was coming towards him and Officer B. Officer A peaked over a corner wall, into the living room, and observed Subject 1 standing approximately five to six feet away from him.

Officer A observed that Subject 1 was holding a black in color handgun; Officer A stated that he observed the muzzle flash of the weapon as Subject 1 fired in his direction.

At that time, Officer A discharged his firearm as he retreated backwards. Officer A stated he discharged his fireman because he was in fear for his life and the life of Officer B. Officer A discharged his fireman four times and stated he stopped discharging his firearm because he no longer could see Subject 1. Officer A observed that Officer B had exited the residence and he proceeded to follow behind Officer B. Once outside the residence, the officers took cover behind a vehicle that was parked in front of the

residence. Officers I and J were on the scene at that time and shortly afterwards several other officers arrived on the scene. Officer A checked Officer B to make sure he was not injured. After observing Officer B was not injured, Officer A maintained his secure position in front of the residence.

At some point, Officer A observed Civilian 1 close the front door. Officer A then observed another female subject, Civilian 2, through an attic window of the residence. Civilian 2 was stating, "Please help us. He's still in the house. My baby downstairs please come and help us. He's knocking on the door." Officer A communicated with Civilian 2 and asked her how many offenders were in the residence. Lieutenant A arrived on the scene and spoke with Officer A. Lieutenant A told Officers A and B to maintain their position. At that time, Officer A performed a tactical reload of his firearm because he was not sure how many rounds he discharged and was not sure what the situation was inside the residence, or if there were more armed offenders inside. Officer A continued to hear screams in the residence as he continued to talk to Civilian 2. Subsequently, other officers made entry through the rear of the residence and secured the scene. Officer A stated he was not injured during the incident. (Att.134)

In a statement with IPRA on 30 March 2016, **Involved Police Officer B** stated that on the date of the incident he was working Beat #XXXX with Police Officer A. The officers initially received a disturbance call at XXXX S. Paulina Street, but while en route the call was upgraded to a call of a man with a gun at the location. Officer B and Officer A discussed that the incident may be a possible home invasion. Once they arrived at the location, Officer B, who was the driver of Beat #XXXX, parked their marked police vehicle on the west side of Paulina Street near the corner of 73rd Street. As the officers exited their marked police vehicle, Officer B could hear a female screaming from inside the house. Officer B described the screaming as loud and fearful.

At that time, Officer B withdrew his firearm and approached the residence. As the officers walked up the stairs of the residence, Officer B noticed the front door was wide open. The glass of the screen door was broken and scattered throughout the "small little front porch." At that time, Officer A requested via the radio to send another car for backup. Officer B made entry into the residence. Once inside, Officer B initially did not see anybody as he stood in the living room of the residence. Officer B stated that as soon as he walked into the residence he was in a small foyer, immediately to the right of the living room. The living room and dining room were connected and there were no lights on in the living room, but there were lights on in the foyer and dining room.

Officer B slowly made his way inside the house and used the walls for cover in the living room. Officer B could still hear screams as he entered the residence. Officer B looked east into the dining room, from the living room area, and observed Subject 1 standing in the dining room with a gun in his hand. Subject 1 was holding a black semiautomatic gun and the gun was pointed downward. Subject 1 was not saying anything or looking in Officer B's direction. Officer B looked at Subject 1 for several seconds and then announced his office. Subject 1 turned and looked at Officer B. Subject 1 then raised his gun, pointed the gun at Officer B, and started to discharge the gun.

Officer B simultaneously discharged his firearm several times and then took cover behind a wall in the living room¹⁶. Officer B stated he did not remember who discharge their firearm first, either him or Subject 1.

Officer B stated that he stopped discharging his firearm once he took cover behind the wall, as the threat was no longer in front of him. Officer B crouched down on the floor and pointed his firearm out towards the threat. Officer B stated at that he was scared, and was afraid he was going to die. Officer B stated he experienced tunnel vision and auditory exclusion, as he had no idea if Subject 1 was still discharging his gun once he took cover behind the wall.

As Officer B crouched down, he observed Subject 1's silhouette moving closer towards the wall where he was taking cover. At that time, Officer B discharged his firearm again several times while crouched down on the floor. Officer B explained he discharged his firearm as he had already been fired upon and did not want to get shot. At that time, Officer B looked toward Officer A and stated to him, "Let's get the fuck outta here." Officer B started to exit the residence. As Officer B exited the residence, he went on the radio and reported shots fired. Officer B took cover behind a vehicle that was directly in front of the residence.

Other police officers started to arrive on the scene and Officer B told the responding units to make a perimeter to surround the residence. Officer A checked Officer B to ensure he was not injured, and Officer B told Officer A he was okay. Officer B stated he did a tactical reload of his firearm in case he was fired upon again. As Officer B took cover behind the vehicle, he observed Civilian 4 in a window on the second floor of the residence. Officer B asked Civilian 4 who was in the house. Lieutenant A and other supervisors arrived on the scene. Eventually, other officers made entry into the rear of the home and secured the residence. Officer B stated he was not injured during the incident. (Att.136)

C. Witness Officers' Interviews

In a statement to IPRA on 15 March 2016, **Witness Lieutenant A, #XXX**, stated that on 31 January 2016, he was assigned as the watch commander for the 1st Watch at the XXXth District Station. During the watch, Lieutenant A heard a call over the radio of a man with a gun at XXXX S. Paulina Street, and within a few minutes, the lieutenant recognized the voices of Officers B and A calling for an assist car. Lieutenant A then heard over the radio the same officers call a "10-1¹⁷" for shots fired at and by the police. Lieutenant A stated that he could hear the gunfire over the radio. The lieutenant then drove to the above residence where he located Officers B and A. Officer B informed the lieutenant that when he and Officer A arrived at the residence, they could hear screaming inside and observed that the front door had been kicked in. Lieutenant A was told that as the officers entered the residence, they observed the subject, Subject 1, holding a gun in

¹⁶ Officer B described the length of the wall that separated the living room from the dining room as being approximately five feet long.

¹⁷ Officer needs assistance.

his hand. The officers identified themselves and ordered him to drop the weapon. Subject 1 turned toward the officers and fired his weapon at them. The officers discharged their firearms in return and exited the residence, as Subject 1 came toward the officers. Lieutenant A learned that there were a number of potential hostages still inside the residence. Civilian 2 yelled from the second floor front window that there was a man with a gun downstairs. Lieutenant A asked her for additional information but she did not know anything else. Lieutenant A went to the back of the residence and talked to the officers there, instructing them to keep an eye on the back door.

The lieutenant then notified the desk sergeant, Sergeant C, to bring a ballistic shield to the scene. Sergeant C brought two shields and they formulated a plan to make entry into the residence. A second female subject, now known as Civilian 4, called 911 from the residence, stating that a “strange man” with a gun was inside their home. Civilian 4 then came to the back door and told Lieutenant A that, to the best of her knowledge, the man, Subject 1, was in the living (front) room on the first floor and a woman, Civilian 1, was with him. She added that her child was in the back bedroom and the other hostages were upstairs. Lieutenant A told her to get out of the house and he led the way with one shield, while six or seven other officers followed behind him through the rear entrance. Lieutenant A stated that he took the lead because he had the most experience on the scene, having spent eight years working on a SWAT team.

As the officers proceeded to the interior of the residence, Lieutenant A observed a gun lying on the floor and heard a female crying. Lieutenant A described the firearm as a black semi-automatic handgun. Lieutenant A peeked around the corner and observed Subject 1 lying face down on the floor and Civilian 1, also lying on the floor. Lieutenant A stated that he did not know at that time that Subject 1 had been injured. Lieutenant A gave verbal commands to both individuals to see their hands and for Civilian 1 to step away, but neither responded. The lieutenant ordered the other officers to secure both individuals and escort Civilian 1 outside. The other officers went throughout the residence, found the hostages and escorted them outside. (Att. 100)

In a statement to IPRA on 15 March 2016, **Witness Officer C, #XXXX**, stated that after he and the other officers made entry, he realized that nobody had cleared the bedroom next to the kitchen. Officer C entered the bedroom and heard little “yelps” coming from under the covers. The officer discovered the daughter of the black female subject, Civilian 4, who had opened the rear door. Officer C picked Civilian 4’s daughter up and escorted her outside to her mother. Officer C then remained outside of the residence. Officer C stated that he never observed Officers A and B discharge their firearms, and never observed the subject, Subject 1, inside the residence. (Att. 103)

In a statement to IPRA on 15 March 2016, **Witness Officer D, #XXXXX**, stated that when he entered the residence, he observed Civilian 1 lying on the floor, screaming, “No, no!” and acting “hysterically.” Officer D believed that Civilian 1 was a resident and was acting in that manner because a shooting had just taken place inside her home. Civilian 1 was escorted outside and handed to other officers. Officer D went back inside and observed Subject 1, lying face down on the floor in the dining room. Officer D also

observed a handgun in “slide lock¹⁸” to the right of Subject 1. Officer D remained inside until the paramedics arrived. (Att. 105)

In a statement to IPRA on 17 March 2016, **Witness Sergeant A #XXXX**, stated that he entered the residence directly behind Lieutenant A. Sergeant A was armed with a rifle. Once inside the residence, the sergeant observed a dark-colored handgun laying on the floor down the hallway and alerted Lieutenant A. As the officers proceeded down the hallway, Sergeant A observed Subject 1 lying on the floor, and Civilian 1 lying on top of Subject 1 and crying. Sergeant A secured the handgun and other officers escorted the hostages out of the residence. Sergeant A remained as the paramedics arrived and declared Subject 1 deceased. (Att. 108)

In a statement to IPRA on 17 March 2016, **Witness Lieutenant B, #XXX**, stated that he was working as the watch commander for the 1st Watch at the 009th District. Lieutenant B heard a “10-1” call over the radio from an officer in the XXXth District at XXXX S. Paulina Street. He drove to the scene where he spoke to Lieutenant A and the involved officers and learned what had happened. Lieutenant A informed Lieutenant B that SWAT was not immediately available and they decided to make an entry, using ballistic shields. Lieutenant A led the group of officers and Lieutenant B was third in line, behind Sergeant A, who carried a rifle. As the group entered the residence Civilian 4 opened the door and Lieutenant A asked her questions about the offender and the other hostages. Civilian 4 exited the residence and the officers proceeded inside. As the officers approached the dining room, Lieutenant B observed Civilian 1 lying on top of Subject 1. Lieutenant B broke away from the group of officers, pulled Civilian 1 off of Subject 1, and handcuffed Subject 1. Lieutenant B described Subject 1 as “lifeless,” but did not observe where Subject 1 had been injured. Lieutenant B also observed a dark-colored handgun lying nearby, which other officers secured. Lieutenant B stated other officers cleared the residence and an ambulance was called for Subject 1. (Att. 111)

In a statement to IPRA on 22 March 2016, **Witness Officer E, #XXXXX**, stated that he responded to the “10-1” call as he is trained as a weapons officer and is authorized to carry a rifle. At the scene, Officer E set up a parameter and learned from Lieutenant B and Sergeant B that SWAT was not readily available and that Lieutenant A had decided to breach the residence. Once inside, Officer E headed to the dining room and observed Subject 1 lying face down on the floor. Officer E stated that Subject 1 did not appear to be breathing. Officer E also observed a dark-colored semiautomatic handgun and shell casings on the floor. (Att. 114)

In a statement to IPRA on 23 March 2016, **Witness Officer F, #XXXX**, stated he entered the residence with other officers. Officer F headed to the dining room area, where he observed Civilian 1 crying hysterically and lying on top of Subject 1. Officer F holstered his firearm, grabbed Civilian 1, and checked her waistband to see if she was armed. Officer F then released Civilian 1 to other officers and checked Subject 1’s waistband for any weapons. Officer F stated that Subject 1 appeared injured, though he

¹⁸ A function that visually indicates when a handgun has expended all loaded ammunition.

did not observe any specific injuries to Subject 1. Officer F then observed a firearm in “slide lock” near Subject 1’s body. While other officers cleared the upstairs rooms, Officer F remained in the dining room to make sure that the shell casings on the floor were not disturbed. (Att. 117)

In a statement to IPRA on 23 March 2016, **Witness Officer G, #XXXXX**, stated that although he entered the residence with the other officers, he only made it into the kitchen, where he became responsible for escorting last hostage from inside the residence. Officer G remained outside as Subject 1 had been secured and the residence had been cleared. (Att. 120)

In a statement to IPRA on 29 March 2016, **Witness Officer H, #XXXX**, stated he was positioned near the back of the line of officers making static entry to the residence. Officer H approached the dining room and observed Civilian 1 lying on the floor and crying. Officer H helped with escorting Civilian 1 out of the residence. Officer H re-entered the residence, went upstairs, and escorted a young black male subject to his police vehicle. (Att. 133)

In a statement to IPRA on 30 March 2016, **Witness Sergeant B, #XXXX**, stated that he was on patrol in the 009th District, when he heard over the radio a “10-1” call for shots fired at and by the police at XXXX S. Paulina Street. As Sergeant B drove to the location, he learned from radio transmissions that the offender was armed and that there were possible hostages inside the residence. At the scene, the sergeant could hear unknown females screaming from inside the residence. Sergeant B spoke to Lieutenant B and Lieutenant A regarding the situation and a decision was made to make entry with the use of ballistic shields. Once the shields arrived from the XXXth District Station, Lieutenant A and Lieutenant B led the officers inside the residence. Civilian 4 opened the back door and spoke to the lieutenants. As the officers entered, they fanned throughout the residence. Sergeant B headed to the dining room where he observed Civilian 1 crying and screaming. Civilian 1 was escorted outside. Sergeant B then observed Subject 1, lying face down on the floor. The sergeant believed that Subject 1 was dead because he was not moving and was not making any noises. He also observed a firearm and shell casings on the floor and bullet holes in the walls. Sergeant B proceeded upstairs where a group of hostages inside a bedroom were screaming for help and escorted them downstairs. (Att. 135)

In a statement to IPRA on 31 March 2016, **Witness Officer I, #XXXXX**, stated he was working patrol with his partner, Officer J, when they heard a call for a disturbance at the above location, followed by a call for a man with a gun. Officer I then drove to the location. As the two officers were exiting their vehicle, they heard several shots fired and observed Officers A and B running away from the residence and taking cover behind a parked vehicle. Officer I took cover behind his vehicle and unholstered his firearm. Officers A and B told him and his partner to go to the back of the residence in case the offender attempted to exit. Officers I and J went to the back of the residence through the alley, where they observed several other officers arriving. Officers I and J remained there for a few seconds, then returned to the front and took cover behind the vehicles on the

street until the end of the incident. Officer I stated he did not speak to Officers A and B during this incident and did not speak to any supervisors on the scene. Officer I stated after the scene had been secured, he learned over the radio that other officers had made entry into the residence. (Att. 137)

In a statement to IPRA on 31 March 2016, **Witness Officer J, #XXXXX**, stated he and Officer I heard a call for disturbance at the above location and, because it was in their sector, they decided to assist the responding officers. On the way, the call was upgraded to a man with a gun. Upon arrival, the two officers walked toward the residence when they heard several gunshots coming from the house. Officer J unholstered his firearm and observed Officers A and B running from the residence and taking cover behind a parked vehicle. Officer J called a "10-1" over the radio. Officer B told Officers J and I to go to the back of the residence. Officers J and I ran to the back and observed several officers arriving there. The two officers then returned to the front and took cover behind their vehicle. More officers arrived on the scene and Officer J heard over the radio that ballistic shields had been requested. Officer J later learned that other officers had made entry into the residence; however, Officer J stated that he never entered the residence and did not observe Officers A and B discharge their firearms. (Att. 138)

In a statement to IPRA on 31 March 2016, **Witness Officer K, #XXXXX**, stated he headed to the front of the residence, where he observed Civilian 1 lying on the floor and crying. Officer K then observed Subject 1 lying face down on the floor and handcuffed him; Officer K stated that Subject 1 was unresponsive. Officer K also observed a handgun in the corner of the dining room. Several minutes later, paramedics arrived and Officer K removed the handcuffs. The paramedics removed Subject 1's jacket and Officer K observed that Subject 1 had been shot in the abdomen. The paramedics then declared Subject 1 deceased. (Att. 139)

In a statement to IPRA on 13 April 2016, **Witness Sergeant C, #XXXX**, stated he received a call from Lieutenant A instructing him to bring any ballistics shields to the scene. Sergeant C found two shields and drove to the scene. He gave one shield to Lieutenant A and kept one for himself. When the officers decided to enter the residence, Lieutenant A led the group and Sergeant C followed. Once inside, Sergeant C observed Civilian 1 lying on top of Subject 1. Sergeant C stated that an officer pulled Civilian 1 off of Subject 1 and she was escorted outside. Sergeant C observed a gun in "slide lock" in the corner of the room. Subject 1 was unresponsive and an ambulance was requested to come to the scene. Lieutenant A ordered Sergeant C to clear the upstairs rooms and Sergeant C and other officers found several individuals upstairs; these individuals were searched and escorted outside. Sergeant C then exited the residence and placed the involved officers, Officers A and B, in separate vehicles. (Att. 143)

II. Department Reports

A **Canvass** by IPRA conducted on 31 January 2016, in the vicinity of XXXX S. Paulina Street, did not reveal any witnesses to the police involved shooting. (Att. 17)

A **Tactical Response Report (TRR)** completed by Officer A documented Subject 1 did not follow direction, was an imminent threat of battery, and used force likely to cause death or great bodily harm with a weapon. Officer A responded with member's presence, verbal commands, and the use of his firearm, a Smith & Wesson model M & P, which he discharged four (4) times. (Att. 6)

A **TRR** completed by Officer B documented Subject 1 did not follow direction, was an imminent threat of battery, and used force likely to cause death or great bodily harm with a weapon. Officer B responded with member's presence, verbal commands, and the use of his firearm, a Smith & Wesson model M & P, which he discharged seven (7) times. (Att. 8)

The **Officers Battery Report (OBR)** completed by Officer A documented he was not injured. The report also documented Subject 1 pointed and shot a handgun at Officer A. (Att. 7)

The **OBR** completed by Officer B documented he was not injured. The report also documented Subject 1 pointed and shot a handgun at Officer B. (Att. 9)

The **Arrest Report** for Civilian 1 documented she was arrested 31 January 2016, at 0449 hours, at XXXX S. Paulina Street, and charged with Murder – First Degree and Home Invasion/Discharge Firearm. The arresting officers were Officers F and H. It is reported Civilian 1 was taken into custody after she and Subject 1 forced entry into the residence of XXXX S. Paulina Street. Subject 1 was armed with a loaded semi-automatic handgun. When the police arrived on the scene, gunfire was exchanged between Subject 1 and the responding officers. Subject 1 sustained fatal injuries as a result of the gun battle. (Att. #46)

The **Detectives Supplementary Report** essentially documented the accounts of Civilian 2, Civilian 3, Civilian 8 Civilian 4, Civilian 5, Civilian 7, and Civilian 6. Civilian 1 provided a similar account of the incident, but reported to detectives she observed Subject 1 point and discharge a weapon three times at an officer. (Att. #147)

III. Medical Reports

The **Chicago Fire Department Ambulance Report** documented that Ambulance 2 responded to the location of XXXX W. 73rd Street/XXXX S. Marshfield Avenue for a call of a gunshot victim, Subject 1. The report indicated the crew entered the location and observed Subject 1 lying prone, unresponsive, pulseless and apneic. Subject 1 sustained a single gunshot wound to the lower central abdominal area with no exit wound. (Att. 18)

The **Office of the Medical Examiner (M.E.) Report of Postmortem Examination** for Subject 1, M.E. Case #2016 – 00522, documented Subject 1 sustained a gunshot wound that entered on the right side of his abdomen, centered 28-1/2 inches below the top of the head and 1 - 1/2 inches right of the anterior midline. The wound was a 1/4 inch circular defect with an eccentric, up to 1/8 inch margin of abrasion along the upper half of the wound. No soot or stippling was identified on the skin surrounding the wound.

The trajectory of the bullet was front to back, downward, and right to left. The bullet fragment (copper – jacketed projectile) was recovered from sacrum (pelvic area) bone on the right side. Subject 1 also sustained superficial blunt force injuries to his head. The toxicology report related that Subject 1 tested positive for amphetamines (possibly cocaine) and ethanol (alcohol). The cause of death was gunshot wound of the abdomen and the manner of death was homicide. (Att. #144)

IV. Office of Emergency Management and Communications (OEMC)

OMECE transmissions documented that on 31 January 2016, at approximately 0423 hours, Civilian 2 called “911” and reported there was an unknown male, Subject 1, inside of her home, located at XXXX S. Paulina Street, with a gun. At 0425 hours, Civilian 4 reported Subject 1 was in her house with a gun, she did not know him, and she had a child in the home.

At 0423 hours, Beat XXXX, Officers B and A were assigned to respond to the location of incident. The Dispatcher informed the officers, “a male black wearing a black jacket entered the house and is shooting.”

At 0425 hours, Officers B and A reported a “10-1” and “shots fired at the police.” (Att. 15, 51,52)

V. Forensic Evidence

Evidence Technician Photographs depict the scene, recovered evidence, Officers B and A, the body of Subject 1, Subject 1’s firearm, and the Audi Q7 that was driven by Subject 1. (Att. 59 – 77)

The **Crime Scene Processing Report** documented Subject 1’s weapon, a Taurus model 740 Slim, .40 Semi-automatic pistol, 3” barrel length, black, Inventory #13618024, was recovered from the floor in dining room. A magazine marked Taurus PT 740 CAL .40 with a six (6) round capacity and orange follower was recovered from the weapon, Inventory #13618024. An ISP gunshot residue evidence collection kit was administered to Subject 1 at 1115 hours in the dining room¹⁹. One fired cartridge case marked Barnes 40 S&W was recovered from the dining room floor. One fired cartridge case marked Barnes 40 S&W was recovered from a metal grate on the dining room floor.

¹⁹ At the time of this report, the results of the GSR are still pending.

One fired cartridge case marked Barnes 40 S&W was recovered from the floor of the west bedroom. One fired cartridge case marked Barnes 40 S&W was recovered from the floor of the basement. One fired cartridge case marked Barnes 40 S&W was recovered from the bottom stairwell of the second floor.

Officer B's Smith & Wesson, M&P, 9MM, Semi-Automatic pistol, 4" barrel, black, Inventory #13618058, was recovered from his holster.

Officer A's Smith & Wesson, M&P, 9MM, Semi-Automatic Pistol, 4" barrel, black, Inventory #13618075, was recovered from his holster.

Several fired cartridge case marked Win 9mm Luger + P were recovered from the exterior bottom stair, front porch, the foyer, living room, a couch cushion, and within the floor of the dining room. (Att. 81)

Illinois State Police (ISP) Forensic Science Laboratory Report, dated 25 March 2016, Lab Case #C16 – 002499, documents that the examination of Subject 1's handgun and handgun magazine (Exhibits 8 and 9) did not reveal any latent prints suitable for comparison. (Att. 145)

ISP Forensic Science Laboratory Report, dated 17 June 2016, Lab Case #C16 – 002499, documents that the examination of Officer B's weapon, a Smith & Wesson model M&P, 9mm Luger semi-automatic pistol, serial #XXXXXXX, and one magazine, were operable as received and test fired. The examination of Officer A's weapon, a Smith & Wesson, model M&P, 9mm Luger semi-automatic pistol, serial #XXXXXXX, and one magazine, was operable as received and test fired.

The examination of Subject 1's weapon, a Taurus model 740 Slim, Smith & Wesson, semi-automatic pistol, serial #XXXXXXXX and one magazine, was operable as received and test fired. The five fired cartridge cases marked Barnes 40 S & W were examined and revealed they were fired from Subject 1's weapon. (Att. 146)

VI. Video Evidence

The **In-Car Video** from Beat #XXXX depicts Officers B and A arriving at the location of the incident. The officers parked their vehicle at 0422 hours. At 0424 hours, four officers ran onto the street and appeared to take cover behind a vehicle. The video footage did not depict where the officers ran from or what the officers were running from. At least two of the unidentified officers appear to have their weapons in their hands. At 0427 hours, additional units arrived on the scene and took cover behind the vehicles in the area. The video footage did not capture the officer involved shooting. (Att. 54)

Police Observation Devices (POD), located at XXXX S. Hermitage Avenue, #172, and XXXX S. Ashland Avenue, POD #XXX1, did not capture anything relevant to the officer involved shooting. (Att. 55)

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; 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's and Officer A's use of deadly force was **WITHIN** Department policy and consistent with the applicable general order and state law.

Officers B and Officer A were dispatched to the report of a man with a gun who had forcefully entered the home at XXXX S. Paulina Street. Upon their arrival, the officers heard screams and saw evidence that the front door to the home had been forced upon. Reasonably believing that persons in the home were in immediate danger, the officers entered the residence.

Upon their entry, the officers came in contact with Subject 1, who was armed with a .40 caliber semiautomatic pistol. When the officers challenged Subject 1 to drop his weapon and surrender, he fired at least five (5) times at the officers. Both Officer B and Officer A returned fire, fatally striking Subject 1.

The assertion that Subject 1 was armed is supported by the physical evidence, which shows that the .40 caliber pistol recovered from Subject 1 was fired at least five (5) times. A sixth .40 caliber casing found at the scene could not be matched via ISP to Subject 1's weapon, though it is noted that both officers were armed with 9mm pistols – making it more likely than not that Subject 1 actually fired six times.

Furthermore, the assertion that Subject 1 was armed is consistently supported by the statements of involved officers, both of whom were shot at by Subject 1.

Additionally, three eyewitnesses inside the home report that they saw Subject 1 armed with a weapon, and that he was pointing his weapon as he threatened the persons inside the home. Subject 1's own girlfriend, Civilian 1, stated that Subject 1: had a firearm; was pointing his firearm at persons in the home; pointed his firearm at the officers; and that he fired at the officers.

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 the officers, as he was firing his weapon at them. Subject 1 presented the means and opportunity to place the officers in jeopardy of receiving great harm, or death, as he used deadly force against them. Officer B and Officer A were under fire at the time that they elected to use deadly force to defend their own lives.

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