

SUBJECT: Log #1079661 / U #16-002

LOCATION: XXXX W. Polk Street

INVOLVED OFFICER #1: Officer A, M/S; Star #XXXXXX,
Unit XXX; Employee No. XXXXX
DOA: 25 October 1999, On-duty, in plainclothes, in Beat XXXXX

OFFICER'S WEAPON: Glock Model 17; semi-automatic 9 millimeter pistol;
4.5 inch barrel, SER #XXXXXXX; Chicago Registration #R009632S,
FOID #85710089; Fired eight (8) rounds; Department Issued Ammunition

OFFICER'S INJURIES: None reported

INVOLVED OFFICER #2: Officer B, M/S; Star #XXXX,
Unit XXX; Employee No. XXXXX
DOA: 28 October 2002, On-duty, in plainclothes, in Beat XXXXX

OFFICER'S WEAPON: Glock Model 17; semi-automatic 9 millimeter pistol;
4.5 inch barrel, SER #XXXXXXX; Chicago Registration #R021071S,
FOID #77583169; Fired sixteen (16) rounds; Department Issued
Ammunition

OFFICER'S INJURIES: Non-Fatal; bruising to chest

INVOLVED OFFICER #3: Officer C, M/B; Star #XXXX
Unit XXX; Employee No: XXXX
DOA: 25 June 2011, On-duty, in plainclothes, in Beat XXXXX

OFFICER'S WEAPON: Springfield Armory Model XD-45; semi-automatic 45 caliber pistol;
4 inch barrel, SER #XXXXXXXXXX; Fired one (1) round; Department
Issued Ammunition

OFFICER'S INJURIES: Non-Fatal; gunshot wounds to back and abdomen

WITNESS OFFICER #1: Officer D, M/W; Star #XXXXXX
Unit XXX; Employee No. XXXXX
DOA: 03 January 2005, On-duty, in plainclothes, in Beat XXXXX

OFFICER'S INJURIES: Non-Fatal; gunshot wound to ankle

**SUBJECT/
VICTIM:** Subject 1, DOB
Address: XXXX Elgin Avenue, Forest Park, IL 60130

**SUBJECT/
VICTIM'S
WEAPON:** Glock Model 22; semi-automatic .40 caliber pistol; 4.5 inch barrel, Serial
#XXXXXX

**SUBJECT/
VICTIM
INJURIES:** Multiple gunshot wounds; Fatal.

**IPRA
NOTIFICATIONS:** IPRA Chief Administrator
IPRA Deputy Chief Administrator
IPRA Coordinator of Investigations
IPRA Director of Community Outreach and Engagement
IPRA Supervising Investigator A
IPRA Investigator A
IPRA Investigator B

SUMMARY OF INCIDENT:

On 14 March 2016, at approximately 2145 hours, Beat 1162D, occupied by Officers A, #XXXX, B, #XXXX, C, #XXXX, and D, #XXXX, were traveling eastbound on Polk Street from Independence Boulevard. Officer A was driving their unmarked Ford Explorer when they observed the subject, Subject 1, walking east on the north sidewalk towards Lawndale Avenue. A female, Witness 1, was walking in front of Subject 1. The officers observed Subject 1 "fidgeting" with his coat. The officers approached Subject 1 in their unmarked squad car and one of the officers stated, "I know you," towards Subject 1. Subject 1 replied, "You don't know me," as he approached Witness 1 and grabbed a hold of her.

The officers observed that Subject 1 was holding a package of suspected narcotics in his hand as he walked away.

Subject 1 entered the courtyard of XXXX W. Polk Street with Witness 1. Subject 1 and Witness 1 walked approximately 10 feet into the courtyard, where the officers saw either Subject 1 or Witness 1 drop an item onto the grass. Subject 1 and Witness 1 continued to walk to the rear of the courtyard towards the entrance to XXXX W. Polk Street.

Officers B, C, and D exited the squad car, entered the courtyard and followed Subject 1 and Witness 1. Officer A, who was the driver, was approximately 15 feet behind his fellow officers. The officers gave verbal commands for Subject 1 and Witness 1 to stop, but they refused all orders. Subject 1 and Witness 1 stepped up on the concrete sidewalk step and approached the front door to XXXX W. Polk Street. Officers B, C, and D continued towards Subject 1 and stepped up onto the concrete sidewalk in front of XXXX W. Polk Street. Officer

A was now in the middle of the courtyard, walking towards his fellow officers.

At that time, Subject 1 turned around, displayed a handgun, and began firing his weapon at the officers. Officers B, C, and D began retreating into the courtyard, while under fire. Officer A turned and quickly made his way to the northeast corner of the apartment building to take cover. Officers B, C, and D continued to retreat through the courtyard back toward the courtyard's entrance. As they retreated, Officers B and C were firing their weapons at Subject 1. Subject 1 walked onto the lawn of the east side of the courtyard and continued to advance towards the officers while he fired his weapon.

As he advanced into the courtyard, Subject 1 came into the view of Officer A, who then fired his weapon toward Subject 1. Subject 1 was struck and collapsed below the first floor windows of XXXX W. Polk Street. Subject 1 dropped his weapon on the lawn, between his body and the building where he collapsed. Officer A recovered the weapon and placed it in his back pocket.

During the incident, Officer C sustained a gunshot wound to his back and collapsed at the front entrance to XXXX W. Polk Street. Officers D was shot in his right heel, and Officer B was struck multiple times in his bullet proof vest. All officers were transported by Chicago Fire Department personnel to Stroger Hospital, where they were treated and survived their injuries. Subject 1 was pronounced deceased at the scene.

INVESTIGATION:

CIVILIAN WITNESS STATEMENTS

In an interview on 15 March 2016, **Witness 1** stated that she resides at XXXX W. Polk Street. Witness 1 explained that she had met Subject 1 through Facebook. On the evening of 15 March 2016, Witness 1 and Subject 1 met each other for the first time. Subject 1 traveled had picked up Witness 1 from her residence. They then drove to the Gas Station located at Independence Boulevard and X Street where they purchased some "blunts."¹ Subject 1 and Witness 1 returned to XXXX block of Polk Street. Subject 1 and Witness 1 began to walk across the street when Witness 1 observed an unmarked squad car drive towards them. As they made it to the sidewalk, the unmarked squad car pulled up. Witness 1 stated that she was walking in front of Subject 1 and when she looked back towards him, she saw the squad car shine its spotlight on Subject 1 and an officer inside the squad car began talking with Subject 1. Witness 1 stated that the officer was talking to Subject 1 as if he knew him and asked him, "What you doin' over here? You don't belong here."² Subject 1 responded, "You don't know me."³ Subject 1 pulled the hoodie he was wearing over his head, started "fixin' his jacket"⁴ and walked towards Witness 1.

Witness 1 and Subject 1 entered the courtyard of her U-shaped apartment building and

¹ Slang for marijuana cigarettes rolled in the tobacco paper of a cigar.

² Statement of Witness 1, Attachment #41, Page 11, Lines 10-11

³ Statement of Witness 1, Attachment #41, Page 11, Line 12

⁴ Statement of Witness 1, Attachment #41, Page 10, Line 15

began walking towards the rear of the courtyard. As she walked into the courtyard, Witness 1 dropped the package of blunts that she was carrying. Witness 1 stopped, picked up the blunts, and continued walking. Witness 1 stated that Subject 1 was now walking in front of her towards a door that was located at the rear of the courtyard. As she was walking, Witness 1 heard car doors close. Witness 1 turned around and observed the officers exit their squad car and began to walk into the courtyard. Witness 1 stated that she and Subject 1 reached her front door and stood in front of it. Witness 1 turned around and displayed her hands to show the officers that she wasn't carrying anything.

Witness 1 stated that as soon as she turned around, Witness 1 heard "Boom, boom, boom, boom, boom, boom, boom."⁵ Witness 1 fell to the ground and heard several gunshots, but did not observe the actual shooting. Witness 1 stated that due to her proximity to all of the parties involved, and the echo in the courtyard, she could not be certain who shot first, or which direction the first shots came from. Witness 1 stated that the gunshots were consistent and that there was no pause or break in between them. When the gunshots stopped, Witness 1 picked herself up and observed Subject 1's body lying in the middle of the courtyard. Witness 1 did not expect Subject 1 to have a weapon and did not expect him or the officers to start shooting at each other. Witness 1 did not know how Subject 1 ended up in the middle of the courtyard, but assumed that he tried to run out of the courtyard while shooting at the officers. (Atts. #40, 41)

In an interview on 15 March 2016, **Witness 2** stated that he was inside his apartment located on the second floor of XXXX W. Polk Street. Witness 2 described his building as being "U" shaped, with a courtyard in the middle leading to several entrances. Witness 2 was in his son's room, which looked out on to Polk Street. Witness 2 observed dark colored Ford Explorer stop in front of the building and a white male officer exit the vehicle and walk into the building's courtyard at a normal pace. Witness 2 relocated to his kitchen to get something to drink. While in the kitchen, Witness 2 heard a car door slam. Witness 2 went to one of the front windows that faced east, opened it, and heard an officer give some sort verbal commands, though he could not hear specifically what the commands consisted of. After he heard the instructions, Witness 2 heard two gunshots, which he described as a "Pop, pop,"⁶ followed by several more gunshots. Witness 2 stated that the gunshots came from "deep inside" the courtyard, as the echoes were loud. Witness 2 observed a second white male officer exit the courtyard and radio that an officer was shot and that they needed assistance at "XXXX on Polk."⁷ Witness 2 then observed the response of several officers and emergency personnel to the scene. Witness 2 did not observe the subject or individual that the officers were firing at. Witness 2 only heard gunfire and did not see the shooting. (Att. #35, 36)

SUMMARY OF EVIDENCE

The **Detective Supplementary Report** dated 23 June 2016 and completed by Detective A, #XXXXXX, relates that Officers B, C, and D were teamed together working Beats XXXXX and XXXXX. All of the officers were riding in an unmarked Ford Explorer squad car with Officer A as the driver. As they traveled eastbound on the XXXX block of West Polk Street, Officer A observed the subject, Subject 1, walking eastbound on Polk Street on the north sidewalk. Officer A stopped his squad car and illuminated his spotlight on Subject 1. Officer A

⁵ Statement of Witness 1, Attachment #41, Page 13, Lines 6-7

⁶ Statement of Witness 2, Attachment #36, Page 6, Line 24

⁷ Statement of Witness 2, Attachment #36, Page 8, Lines 3-4

then stated, “Don’t I know you?” Subject 1 replied, “You don’t know me.” Subject 1 adjusted his jacket and walked quickly towards a female, Witness 1. Subject 1 grabbed Witness 1’s arm and proceeded to walk into the courtyard of XXXX W. Polk Street.

Officer B, who was seated in the rear driver’s side seat stated, “Watch him, he has a jab in his left hand.”⁸ Officer A stopped his squad car in front of XXXX W. Polk Street and he and his partners exited and made their way into the courtyard. Officer B announced his office and ordered Subject 1 and Witness 1 to stop numerous times, but they refused.

Subject 1 and Witness 1 approached the front door of XXXX W. Polk Street and came to a stop. Subject 1’s back was facing the officers. Subject 1 quickly turned around, displayed a handgun and began firing his weapon at the officers. Officers B and A returned fire while Officers C and D attempted to take cover.⁹ In the process, Officers B, C, and D were struck by gun fire. Subject 1 was struck by gunfire several times and collapsed in the middle of the courtyard. Officer A retrieved Subject 1’s gun, secured it and placed it in his rear pants pocket. Officer D placed handcuffs on Subject 1 while Officer A checked Subject 1’s vital signs. Officer A then notified OEMC of the incident and requested assistance at his location. (Att. #108)

The **Tactical Response Report (TRR)**, completed by Sergeant A #XXXX on behalf of Officer C, documents that Subject 1 did not follow verbal direction, fled, was an imminent threat of battery, attacked with a weapon, and used force likely to cause death or great bodily harm with a firearm. Officer C responded with member presence and verbal commands. (Att. #6)

According to the **Officer’s Battery Report (OBR)**, on the date, time and location of the incident, Officer C was in citizen’s dress and was ambushed by a man with a gun. Officer C sustained non-fatal major injuries. (Att. #7)

The **Tactical Response Report (TRR)**, completed by Sergeant A, #XXXX on behalf of Officer D, documents that Subject 1 did not follow verbal direction, fled, was an imminent threat of battery, attacked with a weapon, and used force likely to cause death or great bodily harm with a weapon. Officer D responded with member presence, verbal commands, and take down/emergency handcuffing. (Att. #10)

According to the **Officer’s Battery Report (OBR)**, on the date, time and location of incident, Officer D was in citizen’s dress and was ambushed by a man with a gun. Officer D sustained non-fatal major injuries. (Att. #11)

The **Tactical Response Report (TRR)**, completed by Sergeant A, #XXXX on behalf of Officer A, documents that Subject 1 did not follow verbal directions, fled, was an imminent threat of battery, attacked with a weapon, and used force likely to cause death or great bodily harm with a weapon. Officer A responded with member presence, verbal commands and the use of his firearm. (Att. #8)

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

⁸ “Jab” is street term for packaged narcotics, which would be in a plastic bag and contain multiple types of narcotics. The baggie could range in size from that of a golf ball to that of a baseball.

⁹ During the investigation it was discovered that Officer C fired his weapon during the incident.

incident, Officer A was in citizen's dress and was ambushed by a man with a gun. Officer A did not sustain any injuries. (Att. #9)

The **Tactical Response Report (TRR)**, completed by Sergeant A, #XXXX on behalf of Officer B, documents that Subject 1 did not follow verbal direction, fled, 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 presence, verbal commands and the use of his firearm. (Att. #12)

According to the **Officer's Battery Report (OBR)**, on the date, time and location of incident, Officer B was in citizen's dress and was ambushed by a man with a gun. Officer B sustained non-fatal minor injuries. (Att. #13)

The **Evidence Technician Photographs** depict the scene of the shooting from various angles. Photographs were also taken of Subject 1's body in the courtyard of the apartment building. Photographs were taken of Officers C, D, and B's clothing. The photographs also depict multiple pictures of Officers D, A and B. The photographs and the corresponding Crime Scene Processing Report indicate that a bag of suspected marijuana and a bag of crushed white pills were recovered from the courtyard. Additionally, a second bag of marijuana was recovered from underneath Subject 1' body. (Atts. #48-58)

The **OEMC and PCAD reports** were collected and made part of this case file. An analysis of said documents show no information that is inconsistent with the facts as related by the involved and witness officers. An analysis of the call log, 911 transmissions, and radio transmissions shows that:

At 21:46:18 hours, Beat XXXX reports a "10-1" via CPD radio.

At 21:46:28 hours, Beat XXXX reports that an "officer has been shot, in front of the school."

At 21:46:45 hours, Beat XXXX reports that the subjects weapon has been recovered and that the subject is on custody.

At 21:48:07 hours, two ambulances are requested to respond to the scene.

At 21:49:10 hours, a female 911 caller reports that "two boys got shot and there are a lot of police outside."

At 21:52:43 hours, Witness 3 calls 911 and reports that "police officer shot in the back, officer down right under (his) window." The caller stated that he did not see the shooter. (Atts. #14)

IPRA Investigators conducted a separate canvass, in an attempt to locate additional witnesses and/or evidence. No additional witnesses were located. (Att. #26)

The **Chicago Fire Department Incident Report** documents that upon arrival, fire personnel found multiple persons suffering from gunshot wounds. Ambulance 10, 23 and 33

responded to the scene to transport three victims. The report indicates that Subject 1 was unresponsive with no spontaneous circulation noted and no signs of life. Subject 1's body was then put under the control of the Chicago Police Department. (Att. #61)

The **Chicago Fire Department Ambulance Report** documented that Officer D was found alert and ambulatory on the scene. Officer D related that he was shot in the right heel and denied any other known gunshot wounds. After examination, it was found that Officer D had one single through-and-through gunshot wound to his right heel. Bleeding was controlled with gauze and tape. Officer D was transported to Stroger Hospital in good condition. (Att. #61)

The **Chicago Fire Department Ambulance Report** documented that Officer C sustained a gunshot wound located in his back near the midline and a gunshot wound to his right abdomen. Both injuries were below the lower line of the bulletproof vest. The report indicates that Officer C lost a large amount of blood at the scene. Bleeding was controlled by fellow officers. No other wounds or injuries were observed. Officer C was transported to Stroger Hospital. (Att. #61)

The **Chicago Fire Department Ambulance Report** documented that Officer B was found ambulatory at the scene. Officer B was struck in his bulletproof vest by two (2) bullets, neither of which penetrated his vest. Officer B suffered contusions to the right side of his chest. Officer B was transported to Stroger Hospital. (Att. #61)

The Medical Examiner's Report documents the postmortem examination of Subject 1. The report indicates that Subject 1 was shot twelve (12) times, with several of the rounds that struck him causing multiple entry and exit injuries, resulting in seventeen (17) total gunshot wounds. Subject 1 was shot six (6) times in the torso, two (2) times in the right hand¹⁰, one (1) time to the left foot, one (1) time in the left forearm, one (1) time in the left buttocks, one (1) time in the left pelvis, and one (1) time in the left upper arm. The cause of death was multiple gunshot wounds, with the manner being ruled a homicide. (Att. #85)

Medical Records from **Cook County Hospital** document that Officer B sustained a contusion to his chest. (Att. #86)

Medical Records from **Cook County Hospital** document that Officer D sustained a gunshot wound to his right leg. Officer D's right foot and lower portion of his right leg were x-rayed; no fractures or dislocations were discovered. (Att. #87)

Medical Records from **Cook County Hospital** document that Officer C sustained a gunshot wound to his lower left abdomen and a gunshot wound to his left buttocks. Officer C was brought into surgery which revealed an injury to the ileum and sigmoid colon. There was a comminuted fracture¹¹ of the left sacral ala and iliac bone at the sacroiliac joint, which likely reflects the bullet's path. Officer C was discharged from Stroger Hospital on 19 March 2016. (Atts. #88)

Illinois State Police Forensic Science Laboratory Reports documented the examination of the recovered ballistic evidence, in comparison to the firearms belonging to

¹⁰ The medical examiner was not able to determine if this was an entrance or an exit wound.

¹¹ A comminuted fracture is a break or splinter of the bone into more than two fragments.

Officers A, C and B. 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 eight (8) times. The shell casings and fired bullets were compared to Officer A's firearm and found to match the respective weapon.¹²

Based upon analysis of ISP Reports and Forensic Reports, it was determined that Officer C fired one (1) time. The shell casing and fired bullet were compared to Officer C's firearm and found to match the respective weapon.

Based upon analysis of ISP Reports and Forensic Reports, it was determined that Officer B fired (16) sixteen times. The shell casings and fired bullets were compared to Officer B's firearm and found to match the respective weapon. (Att. #109)

Further analysis of the ISP reports determined that the weapon belonging to Subject 1, documented as Exhibit #1 and inventoried under #XXXXXXXX, was operable. The magazine associated and attached to this weapon fit, but was not in firing condition, as the spring within was dislodged. The weapon was test fired and it is was further documented that a total of eleven (11) shell casings, documented as Exhibits #31 through #35, were determined to be fired from Subject 1 weapon. Lastly, an examination of this weapon and magazine revealed no latent impressions suitable for comparison.

At the time of this report, the results of the GSR test conducted on the hands of Subject 1 are not yet available, as ISP has not finalized their reports.

POLICE OFFICER STATEMENTS

In his statement to IPRA on 13 April 2016, Officer D stated he was working Beat XXXXX with Officer A. Officer D and Officer A were also working with Officer B and Officer C,¹³ who were assigned to the same car. Officer D was seated in the front passenger seat of their unmarked Ford Explorer. Officer D stated that they were traveling eastbound on Polk Street from Independence Boulevard when he and Officer A observed the subject, Subject 1, crouching down behind a vehicle. Officer A stopped their squad car and illuminated Subject 1 with the vehicle's spotlight. Officer A then engaged in a conversation with Subject 1. Officer D overheard Subject 1 state, "You don't fucking know me," to Officer A. Officer B, who was seated in the rear driver's side seat, observed Subject 1 and stated that he had a "jab"¹⁴ in his left hand. The officers made the decision at that point to exit the squad car and approach Subject 1.

As they exited the squad car, Subject 1 entered the courtyard of XXXX W. Polk Street, accompanied by a female individual¹⁵. Officer D stated that they followed Subject 1 into the courtyard. Officer D stated that Officer B entered the courtyard first, followed by Officer C, then

¹² Officer A's Tactical Response Report documented that he fired eight (8) times. The ISP report documents that nine (9) live rounds were recovered from his magazine. The ISP report further documents that they could not identify all of the fired bullets and shell casings recovered from the scene to match Officer A's weapon.

¹³ Officer B and Officer C were assigned to Beat XXXXX

¹⁴ Common terminology for packaged narcotics.

¹⁵ Now known to be Witness 2

he and Officer A. Officer D heard Officer A state, “Stop. Police.”¹⁶ Officer D stated that Subject 1 had his hands in front of him and he was looking over his left shoulder as he advanced into the courtyard. Once Subject 1 reached the farthest door of the courtyard, the female separated from him to the side. Subject 1 immediately turned around, displayed a handgun and began firing at Officer B. Officer D described that it “happened so fast.”¹⁷ Officer C collided with Officer D and Officer D fell to the ground. Officer D stated that “it was a quick, black, blur. I was on the ground, you know tryin’, struggling to try to get cover.”¹⁸

Officer D stated that once he was on the ground, he felt rounds striking the ground around him. Officer D attempted to crawl to safety and as he was doing so, he felt a round strike his foot. Officer D crawled to the east side of the building and stood up. Officer D retrieved his service weapon from his holster and observed Subject 1 “within 10 feet”¹⁹ of him falling on his back. Officer D looked over and observed Officer C in the vestibule yelling out that he was shot. Officer D moved to Subject 1, who was now lying in the courtyard, placed him on his stomach and handcuffed him. Officer A also approached and retrieved Subject 1’s weapon.

Officer D then moved towards Officer C. Officer D, Officer A and Officer B rolled Officer C over and observed a gunshot wound to his lower back. Officer D then told Officer A that he had been shot in his foot.

Officer D did not recall observing specific injuries to Subject 1 when he placed him into custody, though he was aware that he had been struck by gunfire multiple times about his person. Officer D observed Witness 1 lying on the ground near the entrance to XXXX W. Polk Street. (Atts. 90, 91)

In his statement to IPRA on 31 March 2016, Involved Officer A stated that he was working Beat XXXXX with Officer D. Officer A and Officer D were assigned to the same unmarked squad car with Beat 1162C, Officer B and Officer C. Officer A was driving their unmarked squad car eastbound on Polk Street from Independence Boulevard when he first noticed Subject 1 standing behind a parked vehicle on the north side of the street. Officer A stopped his vehicle and asked Subject 1, “Where have you been?”²⁰ Subject 1 responded by stating, “You don’t know me....I’m not from over here. I’m by Kedzie.”²¹ Officer A illuminated Subject 1 with his spotlight. Officer B, who was seated in the rear driver’s side, announced to the other officers that observed Subject 1 “holding suspected narcotics in his left hand.”²² Officer A did not personally see Subject 1 with narcotics.

Officer A stated that Subject 1 walked away from the vehicle, heading eastbound toward Witness 2. Subject 1 grabbed Witness 1 by her elbow with his right hand and stated, “Let’s get outta here.”²³ Officer A observed Subject 1 and Witness 1 enter the courtyard to 3700 W. Polk Street. As they entered the courtyard, Officer A observed one of them drop a cigar package²⁴

¹⁶ Officer D, Attachment 91, Page 21, Line 7

¹⁷ Officer D, Attachment 91, Page 15, Line 25

¹⁸ Officer D, Attachment 91, Page 22, Lines 23-25

¹⁹ Officer D, Attachment 91, Page 16, Line 4

²⁰ There is no indication that Officer A actually knew Subject 1

²¹ Officer A, Attachment 74, Page 13, Lines 5-8

²² Officer A, Attachment 74, Page 13, Lines 13-14

²³ Officer A, Attachment 74, Page 14, Lines 5-6

²⁴ Officer A described it as a “White Owl Cigarillo” – Attachment, Page 15, Line 4

onto the ground. Officer B exited the squad car, followed by Officer C and Officer D. Officers B, C and D entered the courtyard and gave out verbal commands for Subject 1 to “stop” and “come here.” Officer A stated that he stayed by his squad car in case Subject 1 tried running out of the courtyard and flee on foot. Subject 1 made his way to the front door of XXXX W. Polk Street. Officer A then exited his squad car and made his way into the courtyard.

As Officer A entered the courtyard, he heard an officer state “Police” and then heard another officer state, “Let me see your hands.”²⁵ Officer A observed Subject 1 and Witness 1 standing in front of and facing the door to XXXX W. Polk Street. Officer A related that his partners were about “10 to 12 feet”²⁶ behind Subject 1 and Witness 1. Officer A then heard gunshots ring out. Officer A stated that at the time the shots began, he was the furthest away from Subject 1, with Officers B, C and D between him and Subject 1. Officer A made his way to the east wall of the courtyard and took cover. Officer A stated that there was an indentation in the building that blocked his view from seeing the door where Subject 1 and Witness 1 were standing.

Officer A took his weapon out of his holster and then observed Officers B, C, and D “backpedal” toward Polk Street. As Officers B, C and D made their way back, Officer A observed Subject 1 walking through the courtyard toward Polk Street, holding a pistol in his right hand and firing it in the direction of the three officers. Officer A began discharging his firearm at Subject 1. Officer A stated that he discharged his firearm several times at Subject 1. Subject 1 dropped to the grass, but sat up and tried “to maintain his pistol up”²⁷ toward Officer C and Officer D. Officer A stated that he fired his last two shots into Subject 1’s back. Subject 1 then dropped to the ground.

Officer A then made his way over to Subject 1. As he approached Subject 1, he observed Subject 1’s firearm on the ground and noticed that it was not in slide lock.²⁸ Officer A “immediately recovered the firearm”²⁹ and placed it in his rear left pocket. Officer A then checked Subject 1 to see if there were any signs of life. Officer A looked up and heard Officer C state that he had been shot. Officer A observed Officer D “jumping on one leg.”³⁰ Officer D told Officer A that he believed that he was also shot. Officer A radioed to OEMC that shots were fired at the police and shots were fired by the police, and that they needed assistance.

Officer A exited the courtyard so that responding officers could locate him. Responding units arrived and Officer A walked back into the courtyard. Officer A was then approached by Officer B who showed Officer A that he was shot in his bulletproof vest. (Atts.# 73, 74)

In his statement to IPRA on 31 March 2016, Involved Officer B stated that he was working Beat XXXXX with Officer C and they were riding in the same unmarked squad car with Beat XXXXX, consisting of Officer A and Officer D. Officer B stated that they were all dressed in civilian clothing. Officer B stated that he was seated in the rear driver’s side seat and Officer

²⁵ Officer A, Attachment 74, Page 21, Lines 12-13

²⁶ Officer A, Attachment 74, Page 22, Line 3

²⁷ Officer A, Attachment 74, Page 30, Line 31

²⁸ Slide lock occurs once all the bullets have been fired from the weapon and the magazine catches and locks the slide

²⁹ Officer A, Attachment 74, Page 19, Line 7

³⁰ Officer A, Attachment 74, Page 19, Lines 11-12

C was seated in the rear passenger side seat. Officer A was the driver and Officer D was seated in the front passenger side seat. Officer B observed Subject 1 when Officer A was engaging in a conversation with him. Officer A asked Subject 1, "Hey, don't I know you from somewhere?"³¹ Subject 1 replied something to the effect of, "You don't know me. I'm from Kedzie Avenue."³²

Officer B stated that Subject 1 was standing on the sidewalk about 15 feet away from him. Officer B observed Subject 1 clenching his left hand, with his left hand cupped and not fully closed, and Officer B could see that he was holding an object consistent with packaged narcotics. Officer B then observed Witness 2 about 15 feet away from Subject 1, walking towards the courtyard of XXXX W. Polk Street. Officer B informed his partners that Subject 1 was holding a "jab" in his left hand.

Subject 1 walked towards Witness 1, grabbed her by her left elbow, and entered the courtyard. Officer B then saw either Subject 1 or Witness 1 drop something as they were entering the courtyard side by side ahead of the officers. Officer B exited the squad car, announced his office, and stated, "Police. Come here."³³ Officer B stated that he was the first officer to enter the courtyard and stated, "Police. Come here, let me talk to you."³⁴ Subject 1 ignored Officer B's commands, but turned his head and looked back at him. Officer B stated that he could not see Subject 1's hands. Officer B observed Subject 1 walk further into the courtyard, at which point he separated himself from Witness 1 and walked at a quick pace north to the front door of XXXX W. Polk Street. Officer B then ran towards Subject 1. Officer B was approximately "10 to 15 feet from"³⁵ Subject 1, when Subject 1 suddenly turned to his left, displayed a handgun and began firing at Officer B.

Officer B stated that he saw two muzzle flashes coming from Subject 1's weapon and then felt the impact of bullets hitting his bulletproof vest. Officer B began to walk backwards while firing his weapon at Subject 1. Subject 1 continued to advance toward Officer B to the point that they were "3 to 5 feet"³⁶ away from each other. Officer B fell to the ground and observed Subject 1 advance towards Officer D and Officer C while firing his weapon at them. Officer B stated he "was able to see that nobody was in my crossfire and I began to shoot towards the direction of Subject 1."³⁷ Officer B continued to fire his weapon until Subject 1 fell to the ground.

Officer B stated that he stopped firing his weapon and approached Subject 1 at gunpoint. Officer D approached and placed Subject 1 into custody, while Officer A recovered Subject 1's weapon. Officer B then holstered his weapon. Officer B stated that Officer C was sitting down on the stairs leading to XXXX W. Polk Street, yelling out that he was shot. Officer B relocated to Officer C. Officer B stated that he started to feel pain in his right chest. Officer B reached under his bulletproof vest to see if there was any blood. Officer B then saw that there was a bullet lodged in his bulletproof vest. Officer B stated that he observed a second bullet lodged in his bulletproof vest underneath his right rib. Officer B was transported to Stroger Hospital to

³¹ Statement of Officer B, Attachment 80, Page 16, Lines 15-16

³² Statement of Officer B, Attachment 80, Page 16, Lines 17-18

³³ Statement of Officer B, Attachment 80, Page 14, Line 4

³⁴ Statement of Officer B, Attachment 80, Page 14, Line 13

³⁵ Statement of Officer B, Attachment 80, Page 24, Line 8

³⁶ Statement of Officer B, Attachment 80, Page 26, Line 17

³⁷ Statement of Officer B, Attachment 80, Page 14, Lines 28-30

receive medical treatment. (Atts. #79-80)

In his statement to IPRA on 03 May 2016, Involved Officer C stated that he was assigned to Beat XXXXX with Officer B. Officer C and Officer B were riding in the same unmarked squad car with Officer A and Officer D. All of the officers were dressed in civilian clothes. Officer C stated that he was seated in the rear passenger side seat. Officer D was seated in the front passenger seat, Officer A was the driver and Officer B was seated behind Officer A. The officers were traveling eastbound on Polk Street from Independence Boulevard when Officer A observed Subject 1 standing near a vehicle on the north side of the street. Officer A stopped the vehicle and asked Subject 1, “Hey, don’t I know you?”³⁸ Subject 1 replied, “You don’t know me.”³⁹ Officer B then informed all the officers that Subject 1 had a “jab” in his hand.

Subject 1 walked east and joined a female, now known as Witness 2, who was standing on the sidewalk. Subject 1 and Witness 1 then walked into the courtyard of XXXX W. Polk Street. Officer C remembers seeing either Subject 1 or Witness 1 drop an item in the courtyard, but he could not tell which individual dropped the item. Officer C, Officer D and Officer B exited their squad car and entered the courtyard. Officer B was ahead of Officer C when they entered the courtyard. Officer C observed Subject 1 and Witness 1 walk towards the front door of XXXX W. Polk Street. As Subject 1 approached the front door to XXXX W. Polk Street, he suddenly turned around and Officer C saw muzzle flash and heard gunfire. Officer C stated that he was about 15 feet away from Subject 1. Officer C was focused on Subject 1 and did not know where his fellow officers were located. Officer C backtracked through the courtyard and then collapsed near the entrance to XXXX W. Polk Street. Officer C stated that he felt pain and landed on the ground with his gun in his hand. Officer C then dragged himself to the front door of XXXX W. Polk Street to obtain cover from Subject 1. Officer C stated that he did not remember firing his weapon, but learned after the incident that he had discharged his weapon.

Officer C stated that he was lying on his stomach, trying to perform compressions on his wound. Officer C did not see any of this fellow officers discharge their weapons at Subject 1. Officer C stated that he did not know Subject 1 was carrying a gun until Subject 1 turned around and started firing the weapon at him and his fellow officers. Officer C sustained a gunshot wound to his abdomen area and his lower left back. Officer C was transported to Stroger Hospital for medical treatment. (Atts. 97-98)

³⁸ Statement of Officer C, Attachment 98, Page 15, Lines 13-14

³⁹ Statement of Officer C, Attachment 98, Page 15, Line 20

CONCLUSION AND FINDING:

Based on the totality of the facts and circumstances, the IPRA finds that an officer with similar training and experience as that of Police Officer A, Police Officer C and/or Police Officer B would reasonably believe that Subject 1 posed an immediate threat to their safety and the safety of their fellow officers. Therefore, the use of deadly force by **Officer A, Officer C, 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, III, which states:

- A. "a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:
1. to prevent death or great bodily harm to the sworn member or to another person, or:
 2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay."

Officers A, C, B and D were on routine patrol when they encountered Subject 1 standing or crouching behind a vehicle. As the officers approached, they attempted consensual contact with Subject 1, during the course of which Officer B observed that Subject 1 had an item in his cupped left hand. Officer B noted that the item was consistent with illegal narcotics, and he announced his observation to his partners. As Subject 1 and his companion, Witness 1, walked away from the officers, the officers saw one of the two individuals drop an item.⁴⁰ The officers, seeing this and having been made aware of the object in Subject 1's hand, concluded that potential criminal activity⁴¹ was under way and they exited their vehicle to investigate.

The officers followed Subject 1 as he continued to walk away, and gave him verbal commands to stop and return to them. Though the officers were all in plainclothes, they all wore ballistic vest carriers with their stars embroidered on the front, as well as their duty belts. Witness 1 later told IPRA that she clearly knew they were police officers. Subject 1 refused all of the officers' commands and made his way into the courtyard of XXXX W. Polk Street. Officers A, C, B, and D followed Subject 1 into the courtyard, announced their office several more times and ordered Subject 1 to stop. Subject 1 suddenly turned around, displayed a handgun and began

⁴⁰ Witness 1 admits that she dropped her package of blunts to the ground, and then stopped to pick it back up.

⁴¹ It is noted that two bags of marijuana, and a bag of crushed pills were later recovered from the scene and/or under Subject 1's body.

firing at the officers, striking Officer B in his bulletproof vest twice. Subject 1 advanced towards Officer C and Officer D. Officer C received a gunshot wound to his abdomen and lower back and Officer D received a gunshot wound to his right heel. In an effort to eliminate the threat, Officers A, C, and B discharged their weapons at Subject 1, fatally wounding him.

After Subject 1 fell to the ground, Officer A approached him and saw that his pistol was still near his body and that the weapon was not in slide lock. Not knowing if Subject 1 still posed a threat, and as the weapon was within arm's reach, Officer A elected to take the gun off the ground and place it in his pocket.

The assertion that Subject 1 was armed and firing at the officers is supported by the physical evidence, which shows that the Glock .40 caliber pistol recovered from Subject 1 was fired eleven (11) times. Furthermore, the assertion that Subject 1 was armed is consistently supported by the statements of both the involved and the witness officers, three of whom were shot by Subject 1. Witness 1 did not specifically state she saw Subject 1 with a firearm, though she was aware that he was shooting, and that he shot several police 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 imminent threat toward the officers, as he was firing his weapon at them. Subject 1 shot all three of the officers that were within his field of fire. Officer C and Officer B were under fire, and were in fact both shot, at the time that they elected to use deadly force to defend their own lives.

Officer A, though not fired upon directly by Subject 1, saw that Subject 1 was shooting at his fellow officers. Officer A, in defense of his fellow police officers and in an effort to eliminate the active and immediate threat against them, elected to use deadly force against Subject 1. Officer A's use of force is within CPD General Order 03-02-03,(III), which 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.” Officer A used deadly force to prevent further harm, and possibly death, from coming to Officers C, B, and D, at the hands of Subject 1 – who was shooting the three officers at the time Officer A fired his weapon.

For the reasons outlined above, IPRA finds that Officer A's, Officer C's, and Officer B's use of deadly force was **WITHIN** Department policy and consistent with Illinois state law and federal case law.