

TO: Sharon R. Fairley, Chief Administrator
Independent Police Review Authority

FROM: IPRA Investigator A, #XXX

DATE: February 9, 2017

SUBJECT: Log# 1081378
U# 16-10

REFERENCE: RD# HZ-342899

INCIDENT

DATE/TIME: July 10, 2016 at approximately 1:04 a.m.

LOCATION: XXXX E. XX Street, Apt. XX

INVOLVED

OFFICER: Officer A; Chicago Police Officer, Star #XXXX; assigned to 4th District; Hispanic male; employee #XXXXXX; DOB: XX XXXX; DOA: XX XXXX; on duty; in uniform. Beat XXX.

**INVOLVED
OFFICER'S**

WEAPON: Glock, Model 17 Generation 4 XXXX, 9mm semi-automatic pistol; Serial #XXXXXX; city registration #XXXXXXXXXX; FOID #XXXXXXXXXX; Winchester 9mm Luger +P ammunition; 17 live rounds recovered from firearm; weapon capacity of 18 rounds; fired one (1) time.

**INVOLVED
OFFICER'S**

INJURIES: None reported

**WITNESS
OFFICER
(DEPLOYED**

TASER): Officer B; Chicago Police Officer, Star #XXXXX; assigned to 4th District; white male; employee #XXXXXX; DOB: XX XXXX; DOA: XX XXXX; on duty; in uniform. Beat XXX.

**WITNESS
OFFICER'S**

TASER: Taser Serial #XXXXXXXXXX; Taser dart ID #XXXXXXXXXX.

**WITNESS
OFFICER'S**

INJURIES: None reported

SUBJECT: Subject 1, black male; DOB: XX XXXX; XXXX E.
XX St., Chicago, Illinois; IR#XXXXXXXX, CB#XXXXXXXX.

**SUBJECT'S
INJURIES:**

A gunshot wound to the right leg below the knee, bullet lodged; Non-fatal.
A puncture wound to the torso associated with the lone Taser probe that
connected with the subject.

**SUBJECT'S
WEAPON:**

Crossman 4.5mm CV-11 BB gun

SUMMARY OF INCIDENT

On 10 July 2016, at approximately 01:04:00 hours, the subject, Subject 1, called 911 and reported that he had a 9 millimeter and was going to kill himself. He hung up when he was connected to the Fire Department, although an ambulance was dispatched to his address. Officers A and B, working Beat XXX, volunteered to respond to the call and notified the dispatcher that they were coming from a distance to Subject 1's address at XXXX E. XX Street. Both officers were equipped with body-worn cameras.

Officers A and B approached the two-story building from XX Street. As they reached the entry area of the building on the first floor, the responding officers were met by Civilian 1. As the officers attempted to determine the best way to reach the second floor, Civilian 1 stated, "Don't go upstairs," adding that her sister, later identified as Civilian 2, and her sister's boyfriend, later identified as Subject 1, were upstairs and "not even fighting." Civilian 1 also told the officers that Subject 1 had a BB gun that he was going to shoot at them so they would shoot back at him. In response, Officer A told Civilian 1 that the officers were equipped with Tasers "for that." The responding officers passed Civilian 1 as they proceeded up the rear entrance stairway toward the apartment where Civilian 2 and Subject 1 were located. Officer A drew his handgun as he walked up the stairs and approached Apartment XX. Officer B initially drew his handgun but re-holstered it and drew his Taser.

As the responding officers approached, they observed that the outer storm door of the apartment was closed, but the inner door was open.¹ Officer A opened the storm door and announced his office as he and Officer B entered the apartment. As they entered, they could see Subject 1 sitting on a couch in the back room of the apartment with Civilian 2 standing to his right side. Subject 1 appeared to be holding something in his lap. As both officers were facing Subject 1 with their weapons drawn, Officer A instructed Subject 1 to show his hands and drop the gun. As the situation quickly unfolded, Civilian 2 told the officers that Subject 1 was holding a BB gun. Within seconds, Subject 1 raised the weapon he was holding in his lap and pointed it at the officers. Almost simultaneously, Officer A fired his handgun, and Officer B deployed his Taser. Subject 1 fell to his right side and onto the floor in front of the couch. Subject 1's weapon fell to the floor.

After Subject 1 was handcuffed and an ambulance called, Officer B picked up Subject 1's weapon from the floor and discovered that it was a BB gun.

As Subject 1 was being transported out of the apartment by emergency medical technicians, he asked the officers which one of them shot him. After Officer A identified himself as the shooter, Subject 1 asked why Officer A did not kill him.

¹ The building consists of apartments with front doors that are immediately accessible from the outside walkway.

No other individuals were injured.

INVESTIGATION

The **IPRA Preliminary Investigation Report** and **CPD Major Incident Notification Report** contain information related to the Summary of Incident above. (Atts. 4, 62)

The **Arrest Report** of **Subject 1** dated 10 July 2016 indicates that he was charged with two counts of aggravated assault to a police officer. The narrative of the Report summarizes the incident in which the officers were described as being in reasonable fear of receiving a battery when Subject 1 pointed his BB gun at them. Subject 1 was to have a psychological evaluation after being medically cleared through treatment at Hospital A. (Att. 6)

Officer A's Tactical Response Report (TRR) documents that he fired his handgun once at the subject, Subject 1. The reasons identified on the report under the section related to Reason for Use of Force - Subject's Actions are: Did Not Follow Verbal Directions, Imminent Threat of Battery, Uses Force Likely to Cause Death or Great Bodily Harm, and Weapon. Officer A added to the report that the subject was holding and pointing a gun. (Att. 7)

Officer A's Officer Battery Report documents that the type of activity was, "Man With A Gun" and the type of weapon/threat was, "Other (Specify) - What Appeared To Be A Firearm." (Att. 8)

Officer B's TRR documents that he deployed his Taser at the subject, Subject 1. The reasons identified on the report under the section related to Reason for Use of Force - Subject's Actions are: Did Not Follow Verbal Directions, Imminent Threat of Battery, Uses Force Likely to Cause Death or Great Bodily Harm and Weapon. Officer B added to the report that the offender pointed a weapon at him that was later discovered to be a BB gun. (Att. 9)

Officer B's Officer Battery Report documents that the type of activity was, "Man With A Gun" and the type of weapon/threat was, "Other (Specify) - BB Gun." (Att. 10)

The Taser Download form indicates Taser serial number XXXXXXXXXX was deployed on 10 July 2016 at 01:17:23 hours for five seconds.² (Att. 11)

The Fire Department Ambulance Report documents that Ambulance 22 responded to the XX Street address for a "psychiatric emergency." According to the report, the patient,

² In order for the subject to feel the effects of the Taser, both probes need to make contact. In the case of Subject 1, only one probe made contact.

Subject 1, was found on the bedroom floor in the care of CPD units. Subject 1 had a wound to his lower leg and a superficial puncture wound from a Taser “prong” in his left lower quadrant. The report documents that Subject 1 told the paramedics that he “pointed a BB gun at the police so that way they would kill him.” Subject 1 also told paramedics that he was supposed to take depression medications, but did not, and that Subject 1 thought about killing himself before but never tried. The report also noted that Subject 1 told the paramedics that he was trying to get the police to kill him because he could not kill himself. (Att. 17)

Event Queries from the **Office of Emergency Management and Communications** and the **Radio Transmission Summary** indicate that a male who identified himself as Subject 1 called 911 at approximately 01:04:30 hours on 10 July 2016, asked for the police and said, “I’m about to kill myself.” Subject 1 said he had a “9 millimeter.” He was told help would be sent, including an ambulance. Subject 1 apparently hung up before the Fire Department dispatcher was able to talk to him. The Police Department operator reported that Subject 1 was “threatening suicide” and had a “9 millimeter weapon.” The Police Department dispatcher reported the service request as a person with a gun, a “9 millimeter,” who was threatening to kill himself, and that other people were in the apartment.³ In response to the dispatcher’s service request, Beat XXX acknowledged accepting the assignment, and Beat XXX stated that they would respond to the call as well. Approximately 5 to 6 minutes after XXX accepted the assignment, a male voice announced, “shots fired,” and Supervisory Beat XXX was assigned. Eventually, a male voice (apparently an officer) told the dispatcher that shots were fired and a Taser had been deployed. The recording also includes an officer reporting that a weapon was recovered. Beat XXX reported that they would ride in the ambulance to accompany the subject to Hospital B.

The OEMC and PCAD reports were collected and made part of this case file. An analysis of said documents shows 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 01:04:30 hours, Subject 1 requested police, stating he had a 9 millimeter and was going to kill himself, and other(s) in the apartment were leaving.
- At 01:05:36 hours, the Police Operator notified the Fire Department that Subject 1 was threatening suicide and said he had a 9 millimeter. The operator requested that the Fire Department meet police on the scene.
- At 01:10:19 hours, Beat XXX was dispatched to a call of a person with a 9 millimeter who was threatening suicide with others in the apartment.

³ Although Subject 1 did not respond when the OEMC call taker asked him if there were others in the apartment, the voice of another person can be heard on the recording.

- At 01:14:47 hours, Beat XXX arrived on the scene.
- At 01:15:00 hours (approximation), Beat XXX reported shots fired by the police and a Taser deployment, and requested an ambulance.

(Atts. 12, 13, 14, 15, 50, 51, 52, 97)

IPRA responded to **Hospital A** on **10 July 2016** and was told by a nurse that Subject 1 informed medical personnel that he “planned on hurting himself.” Because of Subject 1’s medicated condition and an inability to maintain consciousness, IPRA was unable to interview him at that time. (Att. 19)

In an **interview with IPRA** on 11 July 2016, **Subject 1** said that, on the day of the incident, he called the police and requested assistance because he felt like harming himself. Within five minutes, two uniformed officers entered the open front door of Subject 1’s apartment, announced their office and found Subject 1 sitting on the couch in his bedroom. Civilian 2 was standing on the couch to Subject 1’s right side. Subject 1 had his weapon, a BB gun, in his lap. The officers responded by telling Subject 1 to drop his weapon. Civilian 2 replied by telling the officers that it was just a BB gun and not a real gun. Then, Subject 1 picked up his weapon and lifted it towards the officers. At that point, he recalled getting shot by a handgun and Taser.

Even though Civilian 2 told the officers that Subject 1 had a BB gun, Subject 1 stated that the officers who shot him could not take her word that it was only a BB gun as all they would know is that a weapon was pointed at them. According to Subject 1, the officers did nothing wrong and were only protecting themselves.

Subject 1 stated that his reason for lifting his weapon at the officers was to get them to kill him. (Atts. 35, 43)

IPRA’s attempted interview of **Civilian 1** on 10 July 2016 was unsuccessful because she refused to talk about the incident, stating that she was tired of talking about it. (Att. 21)

In a **phone interview with IPRA** on 11 July 2016, **Civilian 2** said that when the officers arrived at the apartment, she was standing next to the couch in the back room and that she heard the officers tell Subject 1 to show his hands. Civilian 2 stated that when the officers discharged their weapons, the “pellet gun” was either on the couch or in Subject 1’s lap. Subject 1 was not holding the “pellet gun” and did not point it at the officers before they discharged their weapons.

Civilian 2 said the “pellet gun” was hers. She declined to be formally interviewed by IPRA. (Att. 44)

In a **follow-up phone conversation with IPRA** on 12 July 2016, **Civilian 2** confirmed the information she provided by phone on 11 July 2016 and that she would not provide additional information about the incident. (Att. 49)

In a **CPD Electronically Recorded Interview (ERI)** of **Witness Civilian 1**, she stated that she was present with her sister Civilian 2 and Civilian 2’s boyfriend Subject 1 when Civilian 2 and Subject 1 were having a dispute over Civilian 2’s belief that Subject 1 had been unfaithful to her. Subject 1 began talking about committing suicide. As he was sitting on the couch in the bedroom, Subject 1 called the police and said he was going to kill himself. Civilian 1 asked Civilian 2 if she and Subject 1 had a real gun, and Civilian 2 told Civilian 1 that it was a BB gun. Subject 1 stated that he was going to shoot at the police. After Subject 1 called the police, Civilian 2 remained in the apartment with Subject 1, and Civilian 1 left to go downstairs to warn the responding police what was happening and to attempt to prevent them from shooting Subject 1. Civilian 1 stated that she told the police that Subject 1 was going to shoot them with a BB gun so they would shoot him. The police told Civilian 1 that they were not going to do that. The police proceeded up the stairs toward the apartment. Shortly thereafter, Civilian 1 heard one gunshot and then observed additional officers responding. (Att. 53)

In a **CPD ERI** of **Witness Civilian 2**, she stated that she and her boyfriend, Subject 1, had an argument over another woman “tagging” him on Facebook and over her suspicions that he had been unfaithful. In response, Subject 1 stated he was going to “have the police do it for him.” Civilian 2 was initially unclear what Subject 1 meant until he called 911 to report he was going to commit suicide. Civilian 2 heard Subject 1 telling 911 that he had a gun and was going to kill himself. Subject 1 was seated on the couch with the BB gun in his lap. She recounted that the BB gun was the size of Subject 1’s hand. Civilian 2 stated that she first saw Subject 1 with the BB gun after he called police to say he was going to commit suicide. Officers entered the apartment and told Subject 1 to “put down the weapon.” Civilian 2 recounted that the BB gun remained on Subject 1’s lap when they shot Subject 1 with their firearm and Taser. (Att. 54)

In an **interview with IPRA** on 15 August 2016, **Officer B** said he and his partner responded to a “person with a gun” call. They were met downstairs by a female who told them Subject 1 was upstairs and that he possibly had a BB gun. Officer B switched from his handgun to his Taser before going up the stairs due to the possibility that Subject 1 had a BB gun. His partner, Officer A, had his handgun out. They entered the apartment and saw Subject 1 sitting on a couch in the back bedroom with what appeared to be a black semi-auto handgun in his right hand in his lap. Officer B reported that the officers gave Subject 1 verbal commands before Subject 1 pointed the firearm in their direction. Officer B responded by discharging his Taser.

Officer B noted that he did not have enough time to transition from his Taser to his firearm. Officer B stated that he elected to draw his Taser initially based on the possibility that Subject 1 had only a BB gun. Officer B reported that Officer A had his handgun out in the event that Subject 1 had an actual gun. (Atts. 68, 95)

In an **interview with IPRA** on 08 November 2016, **Officer A** said he and Officer B responded to a call about a man with a 9mm gun who was threatening to commit suicide. When they arrived at the location, the officers were met by a female outside the apartment on the ground floor who told them the man in question was upstairs and provided the apartment number. Upon entering the apartment, Officer A observed a male sitting on a couch holding a gun that appeared to be tucked in his waistband. Officer A told Subject 1 to put his hands up. Officer A recalled there being a female in the room standing next to Subject 1, but he did not recall her saying that Subject 1 had a BB gun. Officer A pointed his gun at Subject 1 while ordering Subject 1 to put his hands up. When Officer A saw Subject 1 raise and point what appeared to be a gun at Officer A, Officer A fired in Subject 1's direction one time. Officer A reported that, at the time that he fired, he did not know Subject 1 was raising a BB gun, rather than a real firearm, at him. Officer A recalled that, after the shooting, Subject 1 repeatedly asking Officer A why he did not kill Subject 1. (Atts. 88, 96)

The **Body Worn Camera videos** from **Officers A and B** show the officers responding to the location of the incident and the events that unfold subsequent to their arrival. The videos captured their interaction with Civilian 1 when they arrived and their encounter with Subject 1 and Civilian 2 inside the apartment, including the shooting and discharge of the Taser. (Atts. 57, 58)

The **Body Worn Camera video** from **Officer C** captures the aftermath of the shooting on the ground level outside the apartment complex. It additionally shows Subject 1 in the ambulance ride to the hospital where he tells a paramedic that he pointed a BB gun at police because he wanted police to kill him. (Att. 59)

The **Body Worn Camera video** from **Officer D** captures a CPD detective interviewing Subject 1 in his hospital room. During that interview, Subject 1 stated that he pointed a BB gun at officers with the intent of having them kill him, but instead they shot him in the leg and with a Taser. (Att. 63)

In-Car Camera video from Beat XXX's vehicle shows officers responding to the call and parking in the front of the location. Additional officers are also captured arriving on the scene. (Att. 66)

A **Diagram of this incident**, not drawn to scale, depicts the layout of the apartment where the events took place. (Att. 67)

Crime Scene Processing Report for **RD HZ-XXXXXX** indicates that the fired cartridge casing was recovered from the kitchen floor. The BB gun was removed from Officer B's pants pocket, and it and Officer A's weapon were swabbed. (Att. 37)

Crime Scene Photographs include images of the interior of the apartment, exterior of the apartment building, fired casing, BB gun, Officers A and B in full uniform, and Subject 1 at Hospital A. (Att. 48)

Medical records for **Subject 1** from Hospital A indicate that Subject 1 was treated for a gunshot wound to his right leg, and he had suicidal ideation. The records further indicated Subject 1 was non-compliant with a psychiatrist a year ago with regards to medications he was prescribed for depression. (Att. 73)

The **Property Inventory Report** for **Subject 1's BB gun** reflects that its CO2 cartridge was full at the time it was recovered, but the BB magazine was empty. (Att. 25)

Cook County Clerk of the Circuit Court on-line searchable electronic records (Mainframe) indicate that, relative to this incident, Subject 1 pleaded guilty and was convicted of aggravated assault and sentenced to supervision/conditional discharge on 07 September 2016. (Att. 103)

An **Illinois State Police Forensic Science Laboratory Report** documents the examination of the recovered fired casing, which was found to have been fired from Officer A's weapon. (Att. 76)

CPD General Offense Case and Detective Supplementary Reports contain consistent information as documented in the Summary of Incident and other previous sections of this report. (Atts. 5, 80, 81, 82, 98, 99, 100, 101, 102)

A **phone conversation** with **CPD Special Activities Section** on 30 January 2017 confirmed that Officers A and B had not completed CPD Crisis Intervention Training. (Att. 104)

Approval:

CONCLUSION AND FINDINGS

The analysis of the use of force in the present case is relatively narrow. There is uncontroverted evidence in the form of body worn camera video footage and audio recorded 911 calls that establish with certainty both what Officer A and Officer B were told prior to their arrival, as well as what events transpired on the scene. Therefore, we are left only to examine whether Officer A's use of deadly force and Officer B's use of non-lethal force were objectively reasonable, based on the totality of the circumstances.

A. Applicable Laws/Orders

The applicable Chicago Police Department orders in place at the time of this incident are General Orders 03-02-03 and 03-02-02.

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

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

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

B. Summary of Evidence:

In the early morning hours of July 10, 2016, Officers A and B responded to a 911 call of a person armed with a 9 millimeter who was threatening suicide. The 911 call also included information that other persons may be present.

Upon the officers' arrival at the location, they were met on the ground floor of the apartment complex by Civilian 1, who at the time was an unknown woman. As the officers worked quickly to determine how to best gain access to the second floor, which is where they believed Subject 1, who had called 911, was located, Civilian 1 identified herself as the sister of Subject 1's girlfriend. All witnesses agree, and it is confirmed in the video recordings, that Civilian 1 also conveyed that Subject 1 intended to commit suicide by causing the police to shoot him, but that she knew that Subject 1 was armed only with a BB gun. Although it is unclear how much of Civilian 1's information was processed and factored into the officers' decision to approach and enter the apartment where Subject 1 was located, Officer A responded by telling Civilian 1 that the officers were equipped with Tasers. Also, Officer B re-holstered his firearm and drew his Taser, and confirmed he did so based on the potential that Subject 1 was armed with only a BB gun. Within minutes of arriving and receiving additional information from Civilian 1, the officers announced their office, entered the front door of Subject 1's apartment, and found themselves standing a short distance from Subject 1, who was seated on a couch located in the back room of the apartment, holding what appeared to be a gun in his lap. The ensuing events rapidly unfolded. The responding officers directed Subject 1 to put his hands up and drop the gun. Subject 1 failed to respond to the officers' verbal commands, then raised and pointed the weapon at the officers. In response, each officer almost simultaneously discharged his weapon (semi-automatic pistol and Taser) once at Subject 1, who is captured on video falling forward in his chair and dropping his weapon to the ground before yelling in pain. Ultimately, Subject 1 survived his injuries. Subject 1 was treated at an area hospital for a single gunshot wound to the lower leg and a puncture wound from a single Taser probe. Subject 1 was also evaluated for psychological issues. In the aftermath, Subject 1's comments demonstrated his suicidal intent.

C. Use of Force Analysis

Given the facts of this case, the applicable provisions of the Chicago Police Department's General Orders are 03-02-03 and 03-02-02. Although both officers were confronted with the same circumstances during this encounter, Officer A and Officer B used different levels of force in response to the perceived threat presented by Subject 1. Specifically, Officer A fired his handgun at Subject 1 and Officer B deployed his Taser. Therefore, the reasonableness of each officer's use of force will be evaluated individually.

1. Officer A

Officer A recalls that he and his partner, Officer B, responded to a call of a “man with a gun.” As they arrived on scene, they were met by Civilian 1 who directed them upstairs to Subject 1’s apartment. Officer A announced his office as he and Officer B entered the apartment. Officer A had his handgun drawn because dispatch reported the subject to have a 9 millimeter weapon and was threatening suicide. Officer A recalled observing Subject 1 seated on a couch in a back room, holding what appeared to be a gun, which was tucked into his waistband. As he moved further into the apartment, he observed a female standing to the right of Subject 1. On the video recording, Civilian 2 is heard telling the officers that Subject 1 has only a BB gun. However, it is important to note that the officers had also been told that Subject 1 had a 9 millimeter based on Subject 1’s statement to the 911 call taker. Both Officer A and Officer B immediately demanded that Subject 1 put his hands up, but he did not comply. Officer A saw Subject 1 raise what appeared to be a gun and point it in the direction of Officer A and Officer B. Fearing for his life and the life of his partner, Officer A fired one shot at Subject 1, striking his leg.

Less than fifteen seconds elapsed between when the officers entered Subject 1’s apartment and when Officer A shot him. In that brief amount of time, Officer A was forced to make a quick determination as to the necessity of this use of force, given the situation. The video recordings are helpful in demonstrating the close proximity between the officers and Subject 1. From Subject 1’s position on the couch, he has a clear, unobstructed line of fire in the direction of both officers. Furthermore, Civilian 2 was situated in close proximity to where Subject 1 was seated. Additionally, the video recordings demonstrate that the officers were able to observe Subject 1 as he raised his weapon and pointed it at the officers. The videos also captured Subject 1’s weapon being recovered by Officer B after the shooting. As Officer B attempted to clear and secure the weapon, it became evident that it was only a BB gun. However, this particular BB gun (Figure 1) looks like a black semiautomatic handgun.⁴

⁴ Photo of Subject 1’s BB gun as taken by CPD evidence technicians. (Att. 48)



Figure 1

Despite the fact that the officers did receive conflicting information about the weapon, specifically that it was actually a BB gun, there was no reasonable opportunity for Officer A to safely determine whether it was in fact a real weapon prior to shooting Subject 1. From Officer A's vantage point prior to shooting, it was reasonable for Officer A to believe that Subject 1 was pointing an actual gun at them. Given the rapidly evolving events, Officer A's fear of death or great bodily harm to himself and his partner was objectively reasonable under the totality of the circumstances. Therefore, Officer A's use of deadly force was within Department policy.

2. Officer B

Officer B had the same factual information as Officer A when they entered Subject 1's apartment. However, Officer B decided to holster his handgun and draw his Taser. Officer B explained that he did so "to cover all [their] bases."⁵ This approach to the situation appears reasonable, because the officers prepared for the possibility of using less than lethal force. As they entered the apartment Officer B also observed Subject 1 seated on a couch holding what appeared to be a black, semi-automatic handgun. The situation then rapidly escalated as Subject 1 refused to comply with verbal commands and then raised his weapon and pointed it at the officers. Officer B believed Subject 1's weapon to be a real gun at that point and was in fear for his life, but there was no time to switch his weapon and draw his own handgun. Instead, Officer B deployed his Taser one time, striking Subject 1.

⁵ Transcript of Officer B's statement, Att. 95 at page 14 line 30.

Given the totality of the circumstances, Officer B reasonably feared for his life and the life of his partner. As such, Officer B's use of non-lethal force was within Department policy.

D. Conclusion

After analyzing the facts and circumstances of this incident, **IPRA finds that the use of deadly force by Officer A and the use of non-lethal force by Officer B were objectively reasonable and within policy** as outlined by the Use of Force Model, the Illinois State Statute, and the Chicago Police Department's General Orders 03-02-03, II and 03-02-02, IV, when Subject 1 ignored commands to drop the weapon, and then raised it at the responding officers.

E. Discussion

IPRA advises and recommends that CPD and OEMC better coordinate their efforts to ensure that officers trained in Crisis Intervention are quickly and efficiently dispatched to lead and direct CPD's response to calls such as the one that Officers A and B responded to on the morning of July 10, 2016.