

TO: Chief Administrator  
FROM: Deputy Chief - Chief Investigator A  
DATE: May 11, 2017  
REFERENCE: Log #1075770, U #15-08, RD# HY-XXXXXX

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INCIDENT

DATE/TIME: June 20, 2015 at approximately 12:10 a.m.

LOCATION: XXXX S. Merrill Avenue, Chicago, IL 60649

INVOLVED

OFFICER

Officer A, Star #XXXXXX; Employee # XXXXX; Unit XXX; White Male; On-Duty, Plainclothes; Beat XXXXX; CPD Start Date: XX XXX XXXX

WEAPON: Glock; .40 S&W; Semi-Automatic; Model 22, 4.4 inch barrel, SER #UFX684. Chicago Registration XXXXXXXXXX, FOID XXXXXXXXXX. Fired five (5) times

INJURIES: None reported

INVOLVED

CIVILIAN:

Subject 1; DOB: XX XXX XXXX; Male Black; Address: XXXXX S. Harvard Avenue, Chicago, Illinois XXXXX; IR #XXXXXXX

WEAPON Glock; .45 Caliber; Semi-Automatic; Model 21; SER #VDU544; (11) live rounds recovered

INJURIES: A gunshot wound to right thigh, and another gunshot wound to the right buttocks. Transported to XX Hospital in critical condition. Pronounced dead on or about June 25, 2015.

SUMMARY OF INCIDENT

On June 20, 2015 at approximately 12:10 a.m., officers from the Area Central Gun Team received information from an informant regarding a man with a gun near East 71st Street and South Merrill Avenue. The officers met in a nearby Walgreen's parking lot and formulated a plan to make contact with the individual identified by the informant. The officers proceeded to the location and observed the described individual, now known to be Subject 1, standing with three other subjects.

When Subject 1 observed the officers approach him, he fled on foot. The involved member, Officer A, exited his vehicle and pursued Subject 1 eastbound on the north side of East

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<sup>1</sup> The IPRA investigator who worked on this case was Investigator A. Investigator A left IPRA in 2016 and is now working at OEMC.

71st Street. Subject 1 then observed a squad car coming towards him. Subject 1 turned back and ran west toward Officer A with a firearm in his hand. Officer A gave Subject 1 verbal commands to drop the firearm as they nearly ran into each other. Subject 1 continued to flee northbound on South Merrill Avenue while holding the firearm. Subject 1 then turned back toward Officer A with the firearm in his hand. Officer A discharged his firearm five times at Subject 1. Subject 1's firearm fell to the ground as he ran a short distance before he collapsed between two parked vehicles. Subject 1 was shot once in the right buttocks and once in the right thigh. He was transported to XX Hospital in critical condition and later succumbed to his injuries.

## INVESTIGATION

According to the **Departmental Reports**, the involved officers responded to a person with a gun near XXXX S. Merrill Avenue, Chicago, IL XXXXX, on 20 June 2015 at 0010 hours. The reports document in essence the same information that was provided in the summary of this report. The Arrest Report of Subject 1 documented that he was placed into custody after he pointed a handgun at Officer A. A Glock 21, Gen4, .45 Caliber, semi-automatic handgun was recovered at the scene. It was reported that Subject 1 was a convicted felon and a member of the Paxtown Gangster Disciples. (Atts. 6, 7)

According to **Officer A's Tactical Response Report (TRR)**, Subject 1 fled, 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 presence and the discharge of his firearm. (Att. 8)

According to **Officer A's Officer's Battery Report (OBR)**, he was on-duty in civilian dress when he was investigating a suspicious person, man with a gun. Officer A was assaulted with a firearm when Subject 1 pointed a firearm at him. Officer A received no apparent injuries during the incident. (Att. 9)

IPRA Investigators conducted a **canvass of the area** on several different occasions, but were initially unable to locate any eyewitnesses to the incident.<sup>2</sup> (Att. 22)

A **certified letter** was sent to the family of Subject 1 on 29 June 2015, explaining that IPRA was conducting an investigation into the shooting of Subject 1. The letter was received and signed for by an unknown individual at that address on 21 July 2015. (Atst. 58, 59)

The **OEMC** and **PCAD Reports**, documented a 10-1<sup>3</sup> was called at 0010 hours at the location of XXXXX S. Merrill Avenue. Numerous units responded to the scene and an ambulance was called. (Atts.11, 56)

A **911 caller** identified as Civilian 1 stated that she resides at XXXX S. Merrill Avenue. At the time of the incident Civilian 1 was asleep but reported hearing four gunshots. Civilian 1 did not witness the incident. (Atts. 13, 25)

A **911 caller** identified as Civilian 2 stated that he resides at XXXX S. Merrill Avenue, Unit XXX. Civilian 2 was sleeping but reported hearing five gunshots. Civilian 2 exited his building and observed several police cars and people from his neighborhood. (Atts. 14, 25)

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<sup>2</sup> IPRA would later identify and interview Witness 3 as a witness to this incident.

<sup>3</sup> 10-1 is a Chicago Police radio code for officer needs immediate assistance.

A **911 caller** identified as Civilian 3, related that she resides at XXXX S. Luella Avenue, #X. Civilian 3 was sleeping when she heard four to five gunshots. Civilian 3 called 911 but did not look or go outside. (Atts. 12, 25)

The **Crime Scene Processing Reports** documented the crime scene at XXXX S. Merrill Avenue and the deceased at the morgue. The reports documented photographs that were taken and evidence that was collected at the scene, hospital and morgue. (Atts. 27, 50)

A search for **Police Observation Devices (POD)** in the vicinity of the incident was met with negative results. (Att. 28)

**Evidence Technician (ET) Photographs** depict pictures of the scene, Subject 1's clothing, the recovered firearm and Officer A. (Att. 33)

**Surveillance Video** from XX Store, XXXX E. 71<sup>st</sup> Street, Chicago, IL XXXXX was obtained. The video was enhanced by the Regional Computers Forensics Laboratory and numerous still photographs were obtained. The enhanced photographs depict Subject 1 running past the location with a dark object extended from his right hand; Officer A firing his weapon; and Subject 1's firearm falling to the sidewalk. The video further depicts Subject 1 falling to the ground between two parked cars, and officers taking him into custody as a third officer stands over the firearm Subject 1 has apparently discarded. (Atts. 32, 44, 48, 83, 85)

The **Inventory List Reports** documented items that were recovered from the scene and from Subject 1 and Officer A. A Glock 21, GEN4, .45 Caliber, Semi-automatic pistol was recovered at the scene. The involved member's firearm was also inventoried, as is standard procedure in an officer-involved shooting. (Att. 30)

The **Chicago Fire Department Ambulance Report** documented that Ambulance 50 responded to XXXX S. Merrill Avenue for a gunshot victim on 20 June 2015, at 0011 hours. Subject 1 was located at the scene with gunshot wounds. Subject 1 had a pulse but was unresponsive. Subject 1 was transported to XX Hospital and his care was turned over to hospital staff. (Att. 87)

An IPRA Investigator made a personal visit to **XX Hospital** and attempted to speak with Subject 1. Subject 1 was medicated, in surgery and in critical condition. The Investigator was unable to speak with Subject 1. (Atts. 19, 20)

**Medical Records** from XX Hospital documented Subject 1 arrived on 20 June 2015 for gunshot wounds to his right groin and right buttocks. The attending physician was Doctor 1. Subject 1 appeared to be unresponsive during the majority of his stay. He received multiple rounds of CPR and suffered a massive loss of blood due to a right femoral vein laceration. Subject 1 was declared deceased on 25 June 2015, at approximately 2300 hours. (Att. 64)

According to the **Postmortem Examination Report**, the body of Subject 1 was examined on 26 June 2015, at 0740 hours by Assistant Medical Examiner 1. The report documented gunshot wounds of the bilateral buttocks and right thigh with a laceration of the right femoral vein. The opinion of Assistant Medical Examiner 1

was that Subject 1 died as a result of complications of multiple gunshot wounds and the manner of death was Homicide<sup>4</sup>. (Att. 66)

The **Detectives Supplemental Report** documented in essence the same information provided in the summary of this report, the Departmental reports and the information provided by the Involved Officers and witnesses. (Atts. 78-79)

**Illinois State Police Forensic Science Laboratory Reports (ISP)** document that a blood standard from Subject 1 matched DNA swabs that were collected from the Glock model 21 semiautomatic pistol reported to have been in the possession of Subject 1. (Att. 80)

## **Interviews and Statements - Civilian Witnesses**

### **Witness 1**

In a videotaped statement to CPD Detectives and the Cook County States Attorney's Office, on 20 June 2015, Witness, 1 related that he was playing dice and smoking inside a building near the location of the incident with Subject 1, whom he knows only as "Nu-Nu," and two other men.

According to Witness 1, while they were in the building, he observed Subject 1 in possession of a black and green handgun, which looked "like a Glock." Subject 1 had the firearm on his person, and at one point showed Witness 1 the weapon.

Witness 1 called Officer A<sup>5</sup> and informed him that "Nu-Nu" had a gun and provided Officer A with their location and a description of "Nu-Nu." Witness 1 told the CPD Detectives and the Cook County States Attorney's Office that he had prior contact with Officer A in the past. According to Witness 1, he called Officer A to help get "the gun off the streets."<sup>6</sup>

Witness 1 stated that he and Subject 1 left the building, and walked outside towards the corner of 70<sup>th</sup> Street and Merrill Avenue. Witness 1 stated that, as they walked, he let Subject 1 walk ahead of him, at which time Witness 1 called Officer A again and informed of their new location.

According to Witness 1, Officer A arrived and announced "police." Witness 1 and Witness 2 stayed against the wall and cooperated with the police, while Subject 1 ran around the corner, with Officer A in pursuit.

Witness 1 stated that, moments later, Subject 1 came running back towards him followed by Officer A. Witness 1 stated that Subject 1 "up'd a gun, I don't know, or tried to throw the gun, and then Officer A shot him."

The Cook County States Attorney's Office representative a conversation she and Witness 1 had apparently had prior to this interview being recorded. The representative recounted a statement Witness 1 had previously

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<sup>4</sup> Photographs of the Postmortem Examination were also obtained.

<sup>5</sup> In his statement to IPRA, Officer A explained that he had arrested Witness 1 approximately six months prior to this incident. Officer A had given Witness 1 his phone number, and Witness 1 had called him several times since providing information. Officer A stated that this incident was the first time that Witness 1 had called with any information that had led to an arrest or the recovery of any contraband.

<sup>6</sup> It is not clear if Witness 1 was expecting or was ultimately given any remuneration or other benefit in exchange for this information.

made, wherein he stated that Subject 1 had turned towards Officer A while holding the firearm in his hand, at which time Officer A fired his weapon. Witness 1 confirmed to the State's Attorney's Officer representative that this is what he had previously indicated.

It is noted that the Electronically Recorded Interview apparently occurred after a preliminary interview with Witness 1, which was not recorded. Several of the questions asked by the Cook County States Attorney's Office representative are, arguably, of a "leading" nature, wherein Witness 1 agrees and/or confirms statements he previously made. (Att. 35)

### **Witness 2**

In a statement to Detectives and IPRA, on 20 June 2015, Witness 2 stated that he was walking on South Merrill Avenue after purchasing an apple juice for his girlfriend. Witness 2 stated that he was walking with Marshal Jones, "Nu-Nu" and another male was walking in front of them. Witness 2 stated that a police vehicle arrived and an officer got out, yelled "police" and instructed them to place their hands on the wall. According to Witness 2, an officer started to pat him down when he noticed that Nu-Nu ran. Nu-Nu turned on 71<sup>st</sup> Street and Witness 2 lost sight of him.

Witness 2 stated that a police officer ran after Nu-Nu down 71<sup>st</sup> Street. Witness 2 remained where he was being searched against a brick wall. Witness 2 then heard "boom, boom," and looked up. Witness 2 observed a gun on the sidewalk and Nu-Nu in the grass trying to make it to the street. Witness 2 heard Nu-Nu yell that he wanted to die after he was shot. Witness 2 did not see the officer discharge his firearm or what transpired when the shots were fired. (Att. 36)

### **Witness 3**

In a statement to IPRA on 18 December 2015, Witness 3 stated that she was in her apartment when she heard a commotion. Witness 3 looked out her window, observed a police vehicle and heard someone yelling, "I didn't do nothing." Witness 3 proceeded to the lobby of her apartment building and continued to watch the incident from the southeast window of the lobby. Witness 3 observed one officer exit the squad car with his firearm out and approach a heavysset black male with long dreadlocks, who was yelling, "I didn't do nothing." Witness 3 then observed a subject she knew as "Nu-Nu," now known to be Subject 1, standing near the west exterior wall of the XX store.

Witness 3 stated that Subject 1 was standing with his back against the wall, holding a gun. According to Witness 3, Subject 1 threw the gun into the air as he ran west towards Clyde Avenue. Witness 3 believed that Subject 1 was attempting to throw the gun onto the roof of the XX Store. Witness 3 observed that a second tall white officer, who was standing near a small tree close to the east alley of Merrill Avenue, already had his firearm drawn and pointed at Subject 1 when Subject 1 turned to throw his gun. Witness 3 saw the second officer fire his weapon at Subject 1 just as Subject 1 stopped near two parked vehicles. Witness 3 observed fire coming out of the end of the second officer's gun. Witness 3 thought she heard the second officer fire a total of four shots.

During the interview, Witness 3 demonstrated the motions she saw Subject 1 make when he threw his gun by moving her right arm in a backward and upwards motion. According to Witness 3, the second officer fired his weapon almost instantaneously as Subject 1 threw his gun. Witness 3 confirmed there was nothing obstructing her view from the lobby window for the duration of incident. There were approximately eight other residents who

exited the lobby and converged onto the street after Subject 1 was shot. Witness 3 stated that, to her, it appeared Subject 1 hesitated and stopped near the two parked cars on Merrill because he was trying to figure out which direction to run.

According to Witness 3, she did not know if Subject 1 had any physical contact with either of the officer's prior to the officer firing his gun.

In her statement, Witness 3 insinuated that Subject 1 had already discarded his firearm by the time Officer A began to fire his weapon:

I just hope that officer's okay 'cause like I said before, it was just — it was just terrible how it went down. It's like officer doin' what he supposed to do but at the same NuNu threw the gun. And I felt like he should never shot him. But that was what he supposed to do. He was protecting himself and his partner. I understand that. But I just don't get what made you shoot if he threw the gun. That's my only thing.

(Pg. 35, Line 6-13)

Witness 3 was asked to describe the time period between when Subject 1 threw his firearm to when Officer A began to fire his weapon, to which she responded:

Snap. Just like that. It's just when I say everything happened so quick. Snap, just like that. It was like soon as he threw the gun, it was like 1, 2, 3. And he made it between the cars, you just there go the shots, snap, snap, snap, just like that.

(Pg. 35, Line 16-21)

When asked if there was anything Witness 3 would like to add to her statement, she offered:

I just hope the officer will be all right, I do. Cause he was just doin his job. He was trying to protect himself, his partner, and the community. That's how I look at it. But at the same time, it's like, what could you do?

(Pg.35, Line 23 Pg. 36, Line 3)

Witness 3 indicated that she knew Subject 1 from being in the neighborhood, but did not indicate that she knew him personally. Witness 3 stated that Subject 1 would walk up and down the street, listening to his headphones and "rapping." Witness 3 stated that Subject 1 was highly respected in the neighborhood. Witness 3 did not know Subject 1 to carry a firearm prior to this incident. (Atts. 73, 75, 76)

**Interviews and Statements — Chicago Police Department Personnel****Witness Officer - Sergeant A #XXXX**

In a statement to IPRA, on 23 June 2015, **Witness Sergeant A #XXXX** stated that he was assigned to Beat XXXX, Unit XXX, in an unmarked vehicle and in civilian dress. According to Sgt. A he received a call from Officer A #XXXXX, regarding a subject with a gun in the XXX District. Officer A had received the information from an informant<sup>8</sup> who was with the individual that had the gun. Sgt. A gave Officer A and another car<sup>9</sup> in their unit permission to relocate to the XXX District.

Sgt. A and the other two units met up in the Walgreen's parking lot at 71<sup>st</sup> Street and Jeffrey. Officer A briefed the other officers on the phone calls he had received and provided a description of the subject with the firearm. The units then proceeded east on 71<sup>st</sup> Street and Officers A and B turned north on Merrill Avenue. The other officers continued to Paxton, made a u-turn and drove west on 71<sup>st</sup> Street. As Sgt. A approached Merrill Avenue in his vehicle, he observed Officer A in a shooting position, discharging his firearm<sup>10</sup> in a northerly direction down Merrill Avenue. Sgt. A was unable to see what Officer A was firing at because he was blocked by a building.

Sgt. A stopped his squad car at 71<sup>st</sup> Street and Merrill Avenue and exited. According to Sgt. A, he observed the subject in the street between two parked vehicles. Sgt. A observed a firearm on the sidewalk near XXXX S. Merrill Avenue. Sgt. A recognized that the person down in the street fit the same description that was provided earlier by Officer A. Sgt. A observed two other subjects<sup>11</sup> who were detained near the XX Store. Sgt. A took steps to assure that no one else on scene had been shot and also confirmed that an ambulance had been called. (Atts. 37, 41)

**Witness Officer B #XXXXX**

In a statement to **IPRA** on 23 June 2015, **Witness Officer B #XXXXX** stated that he was assigned to Beat XXXXX Unit XXX, in an unmarked vehicle and in civilian dress with Officer A. According to Officer B, just after 2300 hours, Officer A received information from an informant named "Witness 1 who related that he was with a black male that had a gun. Officer B stated they relocated to 71<sup>st</sup> Street and Jeffrey in the Walgreen's parking lot and met up with other officers.<sup>12</sup> Officer A briefed the officers with the information he received, that a subject named "Nu-Nu" had a Glock handgun on his person. Officer A related to the officers that "Nu-Nu" was reported to be a black male, wearing a black hoodie or jacket, with a "skinny face."

According to Officer B, after the four officers planned their approach, they proceeded to the location provided by the informant. Officer B drove to Merrill Avenue at 71<sup>st</sup> Street. As the officers approached, Officer B saw four men standing near the mouth of the alley, just south of the intersection of 71<sup>st</sup> and Merrill Avenue. Officer B saw two subjects look in his direction and then begin to walk north down Merrill Avenue. The other

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<sup>7</sup> Beat XXXXX; partnered with Officer B #XXXXX

<sup>8</sup> Sgt. A did not originally know the informant, but now knows his name to be "Witness 1."

<sup>9</sup> Beat XXXXX; Officer C #XXXX and Officer D #XXXX

<sup>10</sup> Sgt. A related he could tell Officer A was discharging his firearm by his motions and the loud reports he heard. Attachment 41, Page 14, Lines 12-13

<sup>11</sup> Originally there were three subjects when the incident occurred; however, one witness left the scene prior to being identified.

<sup>12</sup> Sgt. A, Officer C and Officer D

subjects began to walk south on Merrill Avenue. Officer A exited the squad car at the crosswalk and Officer B continued north on Merrill in the squad car towards the first east/west alley. Officer B turned east into the alley and at that point Officer A was running. According to Officer B, as he started to reverse the squad car out of the alley, he heard one gunshot, followed by four additional gunshots. Officer B then observed Officer A with his gun raised. Officer B did not witness what transpired during or just before the discharge of Officer A's firearm.

Officer B immediately called over Zone 7 Radio that shots were fired. According to Officer B, he exited the squad car and detained two other individuals who were in the alley. When the other officers arrived, one of the officers stood by a firearm that was on the sidewalk and another officer helped Officer A place the offender into custody. Officer A heard Sgt. A on the radio asking for an ambulance. Officer B did not know the identity of the fourth individual who was present prior to the shooting. (Atts. 39, 42)

#### **Witness Officer D #XXXX**

In a statement to IPRA, on 23 June 2015, **Witness Officer D #XXXX** stated that he was assigned to Beat XXXXX, Unit XXX, in an unmarked vehicle and in civilian dress with Officer C. Officer D related in essence the same information leading up to the incident as the previous officers. Officer D added that as they drove east on 71<sup>st</sup> Street, he heard Officer A state over the car-to-car radio that he had observed an individual matching the description that was provided by the informant. Officer D and C made a u-turn at Paxton and began to drive west on 71<sup>st</sup> Street. According to Officer D, he observed the individual matching the provided description running in their direction. The subject made eye contact with the officers in their squad car, stopped, turned and ran back towards Merrill Avenue holding a firearm in his right hand.

Officer D yelled to his partner that the subject had a gun and they accelerated towards Merrill Avenue. According to Officer D, as the subject was running back to towards Merrill Avenue, Officer A came around the corner and the two almost collided into each other.<sup>13</sup> The subject ran past Officer A and turned north on Merrill Avenue. The subject briefly ran out of view. According to Officer D, he and his partner drove around the corner and parked. When Officer D exited the car, he briefly observed the subject turn to his right back towards Officer A. Officer D then observed Officer A discharging his firearm in a northwesterly direction towards the subject. Officer D heard one gunshot, followed quickly by three to four additional gunshots. Officer D approached the subject, who was now down on the street in between two parked vehicles. Officer A approached from the sidewalk and once they determined the subject no longer had the firearm, he was placed in custody. The firearm was located on the sidewalk and Officer C guarded the firearm until additional units arrived on scene. (Atts. 38, 43)

#### **Witness Officer C #XXXXX**

In a statement to IPRA, on 25 June 2015, **Witness Officer C #XXXXX** stated that he was assigned to Beat XXXXX, Unit XXX in an unmarked vehicle and in civilian dress with Officer D #XXXX. Officer C related in essence the same information leading up to the incident as the previous officers. According to Officer C, when they were being briefed in the Walgreen's parking lot, Officer A received a call from the informant, who provided

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<sup>13</sup> Attachment 43, Paget 0, Lines 3-5



a location of the subject with the gun. The officers departed the parking lot and drove towards the provided location of 71<sup>st</sup> Street and Merrill Avenue.

Officer A and Officer B turned onto Merrill Avenue from 71<sup>st</sup> Street, while Officer C, Officer D and Sgt. A continued east on 71<sup>st</sup> Street. According to Officer C, they heard a radio transmission from Officer A that indicated he observed a subject matching the description of the person with a gun. Officer C made a u-turn at Paxton, just east of Merrill Avenue and began to drive back westbound on 71<sup>st</sup> Street. Officer C then observed the subject, now known to be Subject 1. Subject 1 had a gun in his right hand. Officer C heard his partner yell, "he's gotta gun, he's gotta gun."<sup>14</sup>

According to Officer C, Subject 1 observed their squad car, turned and ran back westbound towards Merrill Avenue. Subject 1 nearly collided with Officer A who was at the corner of 71<sup>st</sup> Street and Merrill Avenue. Officer C stopped the squad car and exited. Upon doing so, he observed Officer A in a shooting stance<sup>15</sup> and Subject 1 turning to the right, back toward Officer A with a gun in his hand. Officer C then heard one gunshot, followed by four additional gunshots.

Officer C stated that Officer D ran towards Subject 1, who had fallen between two parked vehicles on Merrill Avenue. Officer C was alerted by Officer A that the subject's firearm was on the sidewalk. Officer C ran to the location of the firearm and remained near it to preserve it as evidence. Officer D heard Sgt. A calling for an ambulance on the radio. (Atts. 45, 49)

### **Involved Officer A #XXXXX**

In a statement to IPRA on 25 June 2015, **Involved Officer A #XXXXX** stated that he was assigned to Beat XXXXX, Unit XXX, in an unmarked vehicle and in civilian dress with Officer B #XXXXX. Officer A stated he received a phone call from an informant named "Witness 1" who he had arrested months earlier. Officer A explained that he had arrested Witness 1 approximately six months prior to this incident. Officer A had given Witness 1 his phone number, and Witness 1 had called him several times since, providing information. Officer A stated that this incident was the first time that Witness 1 had called with any information that had led to an arrest or the recovery of any contraband. The informant related that he was with a subject who was armed with a firearm. According to Officer A, Sgt. A gave him permission to relocate to the XXX District to plan and execute a law enforcement operation related to the "person with a gun" tip.

Officer A stated that he; Officers C, D, and B; and Sgt. A met at the parking lot of a Walgreen's store, located at 71<sup>st</sup> Street and Jeffrey Avenue. Officer A briefed the officers and advised them that the subject they were looking for went by the nickname "Nu-Nu." Officer A did a name search on his computer and identified an individual named Subject 1 who had been documented as using the nickname "Nu-Nu." Officer A obtained a picture of Subject 1 from the computer and showed it to the other officers. Officer A received another call from the informant stating that he was with three other guys, including "Nu-Nu" and that they were walking towards 71<sup>st</sup> Street on Merrill Avenue.

<sup>14</sup> Attachment 49, Page 14, Lines 14-15

<sup>15</sup> Officer C described the shooting stance as Officer A standing with both hands on his firearm with his arms extended.

According to Officer A, the group of officers and their sergeant departed the parking lot and drove towards 71<sup>st</sup> Street and Merrill Avenue. Officer A was a passenger in Beat XXXXXX which was driven by Officer B. Officers A and B were followed by the other two unmarked units, Beat #XXXXX which was manned by Officers C and D, and Beat #XXXX, which was manned by Sgt. A. According to Officer A, when his partner turned Beat #XXXXX onto Merrill Avenue from 71<sup>st</sup> Street, he observed four male blacks coming out of the alley that runs south of 71<sup>st</sup> Street and west of Merrill Avenue. Among the four individuals was a black male meeting the description of "NuNu."

Officer A broadcast over car-to-car radio that he had observed a subject matching the description given for "NuNu." Officer B stopped the squad car and Officer A exited. Officer A instructed the subjects to put their hands on the wall. According to Officer A, Subject 1, who was the individual that Officer A believed matched the description of "NuNu," then fled southbound and then eastbound on 71<sup>st</sup> Street.

Officer A chased Subject 1 on foot. When Officer A turned to run eastbound on 71<sup>st</sup> Street, he observed Subject 1 running back in his direction with a firearm in his right hand. According to Officer A, Subject 1 had the firearm pointed downward toward the ground as he ran past Officer A. Officer A started to turn to give chase, when he observed Subject 1 turn towards the right with the handgun in his right hand and extend the firearm in Officer A's direction. Officer A stated, "At that point I stopped, uh readied my weapon, fired one round, and then four more in succession."<sup>16</sup>

Officer A explained that after he discharged his first round, Subject 1 continued to turn in his direction with his firearm, so he continued to fire. Officer A then observed Subject 1 begin to stumble and the gun fell out of his hand. Officer A stated, "I had made the decision that my life was in danger if he got any further,"<sup>17</sup> in regards to Subject 1 turning towards him.

Officer A stated that Subject 1 fell between two parked vehicles. Officer A walked towards Subject 1 until he observed Officer D approach. Officer A then turned to locate Subject 1's firearm. Upon locating it, Officer C arrived and stood near it to protect the scene and made sure no one picked the firearm up. Officer A returned to Subject 1 and placed handcuffs on him. Sgt. A called for an ambulance after they determined Subject 1 had been shot.

Officer A stated that after the scene was secure, he was placed in Sgt. A's vehicle. Officer A stated that he had no other options when he discharged his firearm. Officer A stated that he was unable to locate any cover and his momentum was taking him toward Subject 1. Officer A stated that he was in fear of being shot when Subject 1 started turning towards him with the firearm extended in his hand. (Atts. 47, 51)

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<sup>16</sup> Attachment 51, Page 24, Lines 19-20

<sup>17</sup> Attachment 51, Page 28, Lines 1-2

## CONCLUSION AND FINDINGS

The Chicago Police Department's General Order governing the Use of Deadly Force is outlined in GO 03-02-03, III:

- 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; otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

In this particular incident, Officer A articulated that, at the time he elected to use deadly force, Subject 1 was holding a firearm in his right hand, and was raising his handgun towards him. Officer A considered Subject 1 to be an immediate threat to his safety and he reacted by using deadly force to prevent being shot by Subject 1. Based on the totality of the circumstances, the evidence supports that Subject 1 was in possession of a weapon and motioned in his arm in such a way that a reasonable officer with Officer A' training and experience would perceive to be a threat. Therefore, Officer A' use of deadly force was objectively reasonable and WITHIN Department Policy.

**1. There is more than a preponderance of evidence that Subject 1 was armed when he confronted Officer A.**

The assertion that Subject 1 was armed is supported by the physical evidence, which shows that Subject 1's DNA was present on the Glock model 21 semiautomatic pistol recovered from the sidewalk in front of the XX Store, at XXXX E. 71<sup>St</sup> Street.

The assertion that Subject 1 was armed is further supported by the statement of Officer D, who observed Subject 1 holding a firearm prior to the shooting taking place; and by the statements of Officer C, Officer B and Sgt. A, who either heard exclamations by other officers or who observed the firearm on the ground immediately after the shooting.

**2. Officer A reasonably believed that Subject 1 presented an imminent threat of death or bodily harm to the officer or others.**

The facts tending to establish that Subject 1 was armed, and posed a threat to Officer A, are supported by the statement provided by Witness 3. Witness 3 explained that just prior to the shots being fired, Subject 1 had a firearm in his right hand, and was bringing the weapon back and upwards — in an effort that Witness 3 described as an attempt to throw the weapon onto the roof of a nearby building. Although Witness 3 perceived that Subject 1 had already thrown the firearm by the time Officer A began to fire, she herself offered that the event “happened

so quick. Snap, just like that." Witness 3 also acknowledged that Officer A "was trying to protect himself, his partner, and the community."

Regardless of Witness 3's perception or Subject 1's true intent — whether to use the weapon or throw it — the physical act of raising the gun, it was reasonable for Officer A to perceive the motion as a potential immediate threat in this rapidly unfolding encounter.

The assertion that Subject 1 was armed, and was in fact raising his firearm at Officer A, is supported by the statement of Witness 1. Witness 1 reported that he saw Officer A chasing Subject 1, saw Subject 1 point his firearm at Officer A, and saw Officer A fire his weapon in response.

An important fact in this case is that Subject 1's firearm was recovered approximately 16 feet from where he fell after having been shot. This fact leads one to question whether Subject 1 possessed the firearm when Officer A fired at him. A close review of the enhanced surveillance video, although not definitive, goes a long way toward answering this question. As is outlined below and illustrated with video stills, the video appears to show that Subject 1 did, in fact, toss the firearm into the air as he ran.

As Subject 1 runs past the front door of the XX store, a dark object resembling a firearm can be seen in his right hand:



At the time Officer A stops and squares into a shooting stance, Subject 1 has rounded the corner and there is no firearm on the ground:



At the time that Officer A is firing his weapon, the firearm still cannot be seen on ground:

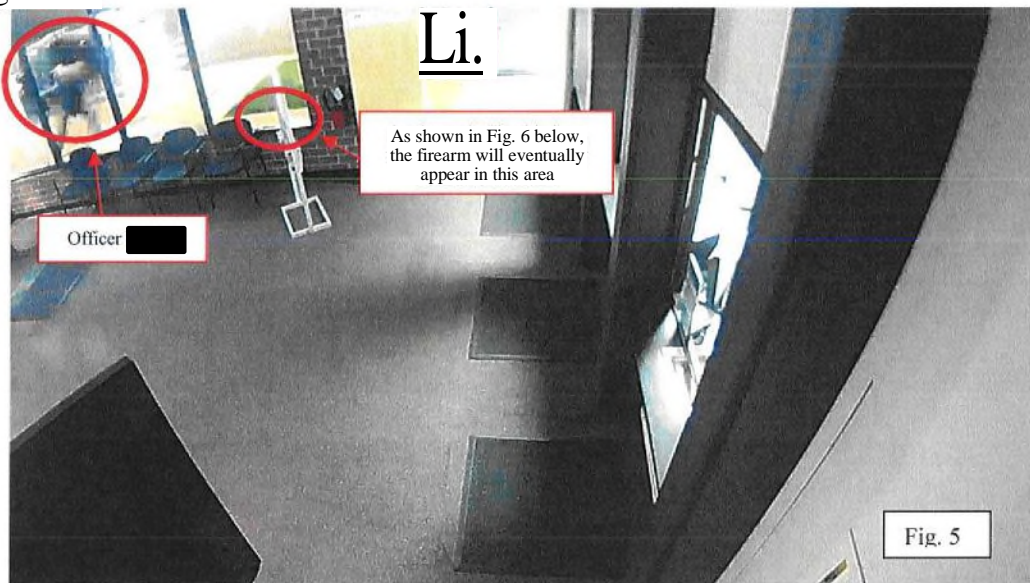




As Officer A stops firing and begins to again move forward, the firearm still cannot be seen on the ground:



As Officer A makes his first steps forward after firing his weapon, the firearm still cannot be seen on the ground:



As Officer A continues to move forward, the firearm lands on the sidewalk<sup>18</sup>:



From an alternate camera angle, Officer A can be seen in a shooting stance near the corner; there is no firearm visible on the sidewalk at this moment:

As Officer A is breaking from his shooting stance and again moving forward, the firearm falls to the sidewalk:

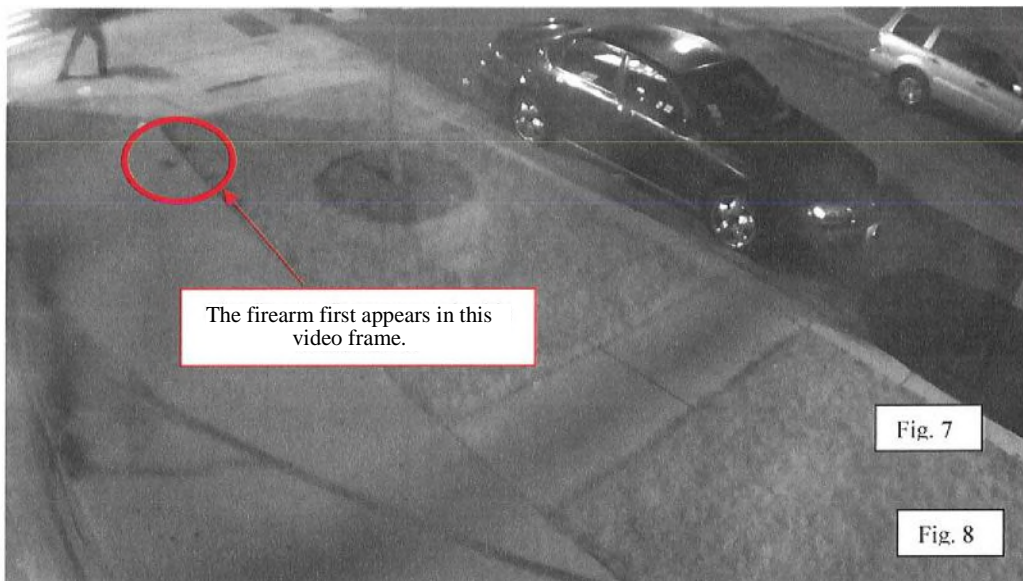


Fig. 8

<sup>18</sup> In Figure 6, the firearm appears on the sidewalk, just to the right of the white sign.

The video evidence supports Officer A's account that Subject 1 was armed with a handgun at the moment the officer elected to use deadly force, as the analysis suggests that Officer A began to fire his weapon either just before or as Subject 1 discarded his firearm.

Based on the totality of the facts and circumstances, an officer with similar training and experience would reasonably believe that Subject 1 posed an immediate threat to the safety of Officer A and others. Therefore, Officer A's use of deadly force 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 0302-03, III.