

TO: Deputy Chief Administrator
Civilian Office of Police Accountability¹

FROM: Investigator A, #XXX

SUBJECT: Log #1083050
U #16-021

REFERENCE: RD# XXXXX-XX (Aggravated Battery: Handgun)

DATE/TIME: 18 November 2016, 2349 hours

INVOLVED

OFFICER #1: Officer A; Chicago Police Officer, Star #XXXXX; Unit XXX; Hispanic male; Employee #XXXXXX; DOB: XX December XXXX; DOA: XX December XXXX; On duty; Uniformed; Beat XXXXX.

INVOLVED

OFFICER #1's

WEAPON: Glock; Model 19; 9mm semi-automatic pistol; Serial #XXXXXXX; City Registration #XXXXXXX; FOID #1XXXXXXX; Winchester 9mm Luger ammunition; twelve (12) live rounds recovered from firearm; weapon capacity of fifteen (15) rounds; Fired two (2) times; one (1) live round recovered from floorboard of Beat XXXXX.

INVOLVED

OFFICER #1's

INJURIES: None reported

INVOLVED

OFFICER #2:

Officer B; Chicago Police Officer, Star #XXXXX; Unit XXX; white male; Employee #XXXXXX; DOB: XX January XXXX; DOA: XX November XXXX; On duty; Uniformed; Beat XXXXX.

INVOLVED

OFFICER #2's

WEAPON: Glock; Model 17; 9mm semi-automatic pistol; Serial #XXXXXXX; City Registration #XXXXXXX; FOID #XXXXXXX; Winchester 9mm Caliber Luger ammunition; one (1) live round recovered from firearm; weapon capacity of seventeen (17) rounds; Fired ten (10) times; weapon capacity of eighteen (18) rounds.

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

**INVOLVED
OFFICER #2's****INJURIES:** None reported**SUBJECT:** Subject 1; Black male; DOB: XX March XXXX; Address: XXX W. 68th Place, Chicago, IL 60621; Illinois ID #XXXXXXXXXXXX; IR #XXXXXX.**SUBJECT'S
INJURIES:**

Two gunshot wounds to the chest, one gunshot wound to head. Transported to Christ Hospital. Deceased. ME#XXXX-XXXX.

**SUBJECT'S
WEAPON:**

Taurus Model XXXXXXX; 9mm semi-automatic pistol; Serial #XXXXXXXX; Chrome finish. One live FC 9mm Luger round in chamber. Unknown number of rounds in magazine (unknown capacity).

LOCATION: XXXX W. 69th Street (street)
Beat XXXX**INTRODUCTION:**

At the time of this incident several customers were inside the Liquor Store 1 located at XXXX W. 69th Street when an altercation ensued between Subject 1 and several other customers. The altercation spilled out of the liquor store and onto 69th Street, at which time Subject 1 pointed and discharged a handgun, striking Civilian 1.

At the same time that Subject 1 and the people he was fighting with exited the liquor store, Officers A and B, who were in a marked police vehicle, turned west onto 69th Street from Damen Avenue. The officers stopped their vehicle several feet from where Subject 1 was standing in the street. The officers witnessed Subject 1 point and discharge his firearm several times in a southern direction toward several people on the sidewalk. The officers exited their vehicle and ordered Subject 1 to stop. Subject 1 failed to comply and the officers discharged their firearms multiple times, fatally striking Subject 1. Civilian 1 and Subject 1 were subsequently transported to Christ Hospital. Civilian 1 survived the attack.

INVESTIGATION:**CPD Interviews**

In a statement to IPRA on 29 November 2016, **Officer B** stated that he and his regular partner, Officer A, were traveling south on Damen Avenue in their marked Chicago Police Department Ford Explorer. Officer B was the driver and Officer A was the passenger. Officer B stated that when they reached 69th Street they went west. As he performed the right turn Officer B saw a fight involving

three people in front of the liquor store. One of the subjects² broke free from the other two and produces a silver handgun from the front waist area of his body. Subject 1 immediately pointed and fired his handgun at the other two people.³ Officer B stated that Subject 1 was standing in the middle of the street when he fired at Civilian 1 and Civilian 2. Subject 1 was facing south and Officers B and A were to the east of him in the westbound lanes of 69th Street.

Officer B immediately stopped the police vehicle approximately five to ten feet away from Subject 1. Officers B and A exited the police vehicle. Officer B explained that he kept his right foot on the brake and his left foot on the pavement when he opened the driver's door and stepped out of the vehicle. The officers gave Subject 1 verbal direction, but Officer B could not recall what was said by him or Officer A. Officer B explained that he immediately discharged his firearm at Subject 1, who was still shooting at the people on the sidewalk about ten to fifteen feet south of his position. Subject 1 fell to the pavement and Officer B assessed the situation. Officer B stated that Subject 1 did not move after he fell to the pavement. Officer B radioed for an ambulance and to make notifications of the shots fired by police. (Att. 68)

In a statement to IPRA on 29 November 2016, **Officer A** stated that he was the passenger officer in the marked CPD SUV driven by his regular partner, Officer B. Officer A stated that as they made they turned right onto 69th Street to go west from Damen Avenue, he saw what appeared to be a scuffle in front of the liquor store on the south side of the street. Officer A stated that one of the persons involved in the scuffle (NKA Subject 1) "backpedal onto our street impeding our flow of traffic"⁴ while holding a silver or chrome handgun. Officer A heard several people in front of the liquor screaming. Officer A explained that as Subject 1 backed into the street he pointed his handgun toward the crowd of people in front of the liquor store on the south side of 69th Street. Officer B stopped the police vehicle five to ten feet from Subject 1 and both officers exited the vehicle. Officer A ordered Subject 1 to drop his weapon, while at the same time pulling his firearm from its holster. Officer A stated that simultaneously Subject 1 fired his weapon toward the people in front of the liquor store. Officer A stated that from his position standing behind the open front passenger door of the police vehicle, he pointed and attempted to shoot at Subject 1, but his gun did not fire. Officer A explained that his firearm suffered a level 1 malfunction, meaning it did not fire due to bad ammunition. Officer A immediately cleared the bad ammunition, pointed his firearm at Subject 1, and fired at him. Officer A stated that Subject 1 fell to the pavement and he and Officer B radioed dispatch to notify of the emergency and to request EMS. Officer A then ran to the south side of the street to check on the person shot by Subject 1. Officer A stated that that person was bleeding from his mouth, and he later learned that Civilian 1 suffered a graze wound to his abdomen. (Att. 69)

Civilian Interviews

In a statement to IPRA on 19 November 2016, **Civilian 1** stated that on the night of this incident he was in his car⁵ with his brother, Civilian 2, his sister, Civilian 3, and her friend, Civilian 4. Civilian 1 stated that he was driving, his sister was in the front passenger seat, and his brother and Civilian 4 were in the backseat. Civilian 1 stated that they stopped at a liquor store near XXXX S.

² Now known as Subject 1.

³ Now known as Civilian 1 and Civilian 2.

⁴ Transcription of Officer A's statement; P. 7, L. 30

⁵ A white 2016 Ford Fusion.

Damen Avenue to buy alcohol. Civilian 1 stated that he and his brother went into the liquor store while his sister and Civilian 4 remained in the parked car. Civilian 1 stated that there were several other customers in the liquor store when they entered. Civilian 1 stated that he stood in line near the front counter while his brother stood near the store's entrance.

A few moments after they entered the store Subject 1 and Civilian 5 entered store. Civilian 1 said Subject 1 "looked my brother up and down."⁶ Subject 1 then cut in line and bought two cigars for Civilian 5. Civilian 1 stated that Subject 1 appeared to be under the influence of alcohol because he smelled of alcohol, he slurred his words when he spoke, and he was extremely disrespectful inside the liquor store. As he exited the store Subject 1 said to Civilian 2 words to the effect of, "What the fuck you lookin' at?"⁷ Subject 1 exited the store, but immediately returned and said to Civilian 2, "What you say?"⁸ Civilian 1 saw Subject 1 pull a gun from his front waist while his brother said, "He got a gun."⁹ Civilian 1 and his brother rushed towards Subject 1. Civilian 2 and Subject 1 struggled with each other, with Civilian 2 positioning himself behind Subject 1, allowing him to grab Subject 1 in a bear-hug from behind in an attempt to control Subject 1's arms. Civilian 1 stated that the struggle ended up outside and onto the street. Civilian 1 stated that before he could reach Subject 1, Subject 1 raised a silver semi-automatic handgun and fired four or five times. Civilian 1 turned to run but he fell over a bicycle on the sidewalk. Civilian 1 stated that he saw Subject 1 point his handgun at him and fire. Civilian 1 stated that he felt one of the fired bullets strike him on his face. Civilian 1 stated that he did not immediately feel his other gunshot wounds.

Almost simultaneously, a marked police vehicle traveling south on Damen Avenue turned west onto 69th Street. Civilian 2, who was still struggling with Subject 1 in the middle of the street, pushed Subject 1 toward the oncoming police vehicle and ran away. The police vehicle stopped and the two uniformed officers exited and ordered Subject 1 to surrender. Civilian 1 stated that Subject 1 did not surrender, but instead turned toward the officers. Civilian 1 stated that the officers fired their guns at Subject 1, who the fell to the pavement.

Civilian 1 stated that he sustained a graze wound to his bottom lip and two gunshot wounds to his abdomen, one being another graze wound. (Att. 67)

In a statement to IPRA on 01 December 2016, **Civilian 2** stated that on the night of the incident he and his brother, Civilian 1, were inside a liquor store near XXXX S. Damen Avenue while his sister, Civilian 3, and her friend, Civilian 4, waited for them outside in their vehicle. Subject 1 stated that he and his brother were inside the store when Subject 1 and his companion, Civilian 5, entered. Civilian 2 stood inside near the entrance of the store while Civilian 1 stood in line waiting to make a purchase. Civilian 2 stated that Subject 1 appeared to be intoxicated. Subject 1 immediately cut in line and bought two cigars and he and Civilian 5 exited the store. Civilian 2 heard Civilian 5 say something to Subject 1 as they stood outside, after which Subject 1 re-entered the store and immediately asked Civilian 2, "What you steady lookin' at me for?"¹⁰ Civilian 2 replied, "Who you talkin' to?"¹¹ According to Civilian 2, Subject 1 immediately reached for the front of his waist, at which point Civilian 2 rushed toward, and grabbed, him. Civilian 2 and Subject 1 began to struggle

⁶ Transcription of Civilian 1; P. 6, L. 31

⁷ Id; P. 7, L. 7

⁸ Id; P. 7, L. 10

⁹ Id; P. 7, L. 11

¹⁰ Transcription of Civilian 2; P. 4, L. 2

¹¹ Id; P. 4, L. 5

and stumbled outside the store and onto 69th Street. During the struggle Civilian 2 was able to position himself behind Subject 1 and grabbed him in a bear-hug. Civilian 2 stated he had intended to pick Subject 1 up and slam him to the pavement until he heard his brother say words to the effect, "Lil' bro, watch out, he gotta gun."¹² Almost simultaneously Civilian 2 saw a police vehicle approaching them from the east. Civilian 2 pushed Subject 1 toward the police vehicle and ran southwest toward the alley. Civilian 2 then ran south in the alley and then to a relative's home at 70th and Winchester Street. Civilian 2 stated that after he pushed Subject 1 toward the police vehicle he heard numerous gunshots. Civilian 2 stated that he never saw Subject 1 with a gun. Civilian 2 stated that he ran away before the officers exited the police vehicle. Civilian 2 was not injured as a result of this incident. (Att. 70)

In a statement to IPRA on 19 November 2016, **Civilian 3** stated that she was the front seat passenger of a vehicle driven by her brother, Civilian 1. Her friend, Civilian 4, and her brother Civilian 2, were in the backseat. Civilian 3 stated that she and Civilian 4 sat in the car while Civilian 1 and Civilian 2 went into the store to purchase liquor. Civilian 3 stated she was sitting in the front passenger seat, but was turned around to face Civilian 4 seated in the backseat. The car's radio was playing as Civilian 3 and Civilian 4 had a conversation. About two or three minutes after Civilian 1 and Civilian 2 went inside the liquor store she heard several gunshots and saw numerous unknown people running away from the store. Civilian 4 then told Civilian 3 that she thought Civilian 1 had been shot. Civilian 3 exited the car and saw Civilian 1 lying on the sidewalk near the front of the liquor store. Civilian 3 stated that she did not see any fighting or yelling prior to hearing the gunshots, and explained that she was not paying attention and was turned facing the opposite direction. Civilian 3 stated that the police arrived immediately. Civilian 3 did not see anyone fire a gun. (Att. 34)

In a statement to IPRA on 19 November 2016, **Civilian 4** stated that she was a passenger in a vehicle driven by Civilian 1. Civilian 4 stated that her friend, Civilian 3 was seated in the front seat and Civilian 2 was seated next to her in the back seat. Civilian 4 stated that Civilian 1 and Civilian 2 went into the liquor store to purchase alcohol while she and Civilian 3 remained in the car parked on the south side of 69th Street near the front of the liquor store. Civilian 4 stated that she was talking to Civilian 3 when she saw several people exit the liquor store. Civilian 4 stated that she saw a male subject¹³ standing in the middle of 69th Street pointing a handgun toward the front of the liquor store, and she saw Civilian 1 standing near the front of the same store. Civilian 4 stated that she saw Subject 1 fire his gun toward the liquor store several times. Civilian 4 saw a marked police vehicle behind Subject 1 at that time. Civilian 4 then saw Civilian 1 lying on the sidewalk near the front of the liquor store and told Civilian 3 her brother was just killed. Civilian 4 and Civilian 3 exited the vehicle, at which time Civilian 4 saw Subject 1 lying dead in the street. Civilian 4 stated that she did not see anyone but Subject 1 discharge a firearm. Civilian 4 never saw any police officers discharge firearms. (Att. 30)

In a statement to IPRA on 19 November 2016, **Civilian 6** stated she and her friend, Civilian 7, were sitting in her car parked facing east on the south side of 69th Street near the front of the liquor store. Civilian 6 explained that Civilian 7's child's father, "Civilian 8,"¹⁴ was inside the liquor store to make a purchase. Civilian 6 stated that several guys came out of the store fighting with each other. Civilian 6 did not know, and could not describe, any of the combatants. Civilian 6 stated that she saw

¹² Id; P. 13; L. 15

¹³ Now Known as Subject 1

¹⁴ Civilian 6 did not know "Civilian 8's" last name or contact information.

one of the people fighting with a handgun, at which point she performed a U-turn and proceeded to drive west on 69th Street away from the fighting. Civilian 6 stated that she heard gunshots and screaming, and immediately saw police lights behind her. Civilian 6 then pulled over to the north side of 69th street. (Att. 26)

Civilian 7 refused to cooperate with this investigation. (Atts. 41, 51, 66, 99, 100)

Attempts to interview the remaining witnesses, **Civilian 9** and **Civilian 5**, in furtherance of this investigation were unsuccessful. (Atts. 41, 47, 50, 52, 64, 65, 99, 100)

CPD Reports

Officer B's Tactical Response Report (TRR) classified Subject 1 as an assailant who used force likely to cause death using a weapon. The report specifically noted that Officer A discharged his firearm at Subject 1 after Subject 1 fired a handgun at a civilian victim. The report continued that Subject 1 then turned toward the officers with the firearm in his hand. (Att. 11)

Officer A's Tactical Response Report (TRR) classified Subject 1 as an assailant who used force likely to cause death using a weapon. The report specifically noted that Officer A discharged his firearm at Subject 1 after Subject 1 fired a handgun at a civilian victim. The report continued that Subject 1 then turned toward the officers with the firearm in his hand. (Att. 9)

The **Detective's Supplemental Report (recorded under RD #HZ XXX-XXX)** documents the detectives' investigation into this incident. The detectives interviewed Civilian 1, Civilian 2, Civilian 3, Civilian 4, Civilian 6, as well as Officers B and A. Each provided the same accounts of the incident to the detectives that they provided to IPRA.

The detectives also interviewed Civilian 9, who stated that he was inside the liquor store purchasing alcohol when he heard gunshots outside of the store. Civilian 9 stated that he walked outside and saw Subject 1, who was across the street, shooting at the people by the liquor store. Civilian 9 stated that one person was on the ground across the street from the liquor store and another person was on the ground in front of the liquor store. Civilian 9 turned over the person near the store to help him with CPR. Civilian 9 refused to be interviewed by IPRA and the police at this point. Civilian 9 appeared to be intoxicated at the time of his interview. (Att. 78)

The Crime Scene Processing Report prepared by Forensic Investigator 1 on 23 November 2016 contained essentially the same information about the incident as in the other CPD reports described above. Forensic Investigators recovered a Taurus, Model XXXXXXX, semi-automatic handgun with one live round in the chamber from the north sidewalk of 69th Street. This gun's hammer was in a cocked position. The Forensic Investigators also inventoried Officer B's semi-automatic handgun loaded with eighteen live rounds and Officer A's semi-automatic handgun loaded with thirteen live rounds. The Forensic Investigators also went to Christ Hospital and processed Subject 1. (Atts. 54, 55)

Evidence Technician photographs show the recovered evidence and the scene of the shooting. The Taurus semi-automatic handgun was photographed on the north sidewalk of 69th Street.

There also appeared to be blood on the same sidewalk. Numerous spent cartridge casings were photographed on 69th Street. (Att. 91)

Office of Emergency Management and Communications PCAD Event Chronology revealed that on 18 November 2016, at 2349 hours, at XXXX W. 69th Street, Officers B and A requested a “10-1,” notified dispatch of the police involved shooting, and requested EMS. Several civilian witnesses were then transported to Area South Police Headquarters. (Att. 22)

Video Evidence

Several **video recordings** from interior and exterior security camera from the Liquor Store 1 (XXXX W. 69th Street) depicted the following:

Camera #1

- At 2:14 minutes into the recording, one male subject and one female subject, Subject 1 and Civilian 5, walk into the frame. They walk southeast through the empty lot on the northwest corner of 6900 S. XXXX Avenue, and then walk south, crossing 69th Street on the west side of XXXX Avenue.
- At 2:54 into the recording, Subject 1 and Civilian 5 enter the Liquor Store.
- At 4:18 into the recording, a marked CPD SUV traveling south on XXXX Avenue stops at the red light at 69th Street. This police vehicle subsequently drives east on of the camera’s frame.
- At 4:40 into the recording, a second marked CPD SUV, Officers B and A, travels south and also stops at the red light at 69th Street.
- At 4:49 into the recording, Subject 1 stumbles out of the liquor store followed closely first by Civilian 1 and then Civilian 2. Subject 1 is holding a silver handgun in his right hand as he exits the store and continues onto 69th Street. Civilian 1 backs up as Civilian 2 continues into the street after Subject 1. Near the middle of 69th Street Civilian 2 grabs Subject 1 from behind in a bear-hug, but Subject 1 is able to raise and point the handgun toward Civilian 1, who was positioned near the front liquor store. Civilian 2 turns his head toward the on-coming police vehicle occupied by Officers B and A, who are traveling east on 69th Street from XXXX Avenue. Civilian 2 lifts Subject 1 off of his feet, turns him toward the on-coming police vehicle, and shoves him toward the officers’ vehicle. Civilian 2 then immediately runs southwest across 69th Street and out of view of the camera.
- At 4:55 into the recording, Subject 1 raises his handgun and points it south, apparently in Civilian 2’s direction of flight. Subject 1 appears to discharge his firearm several times in a southern direction. Subject 1 then turns around and walks northeast across 69th Street. Simultaneously, Officers B and A exit their marked police vehicle and position themselves behind the open vehicle doors. Both officers point and appear to discharge their firearms at Subject 1 as he continues to walk northeast across 69th Street.
- At 5:03 Subject 1 fell face down onto the north sidewalk of 69th Street.

Cameras #2 & 4

- Cameras #2 & 4 are positioned inside the liquor store. There is no audio accompanying the video recording. The cameras depict several customers, including Subject 1, Civilian 5, Civilian 1, and Civilian 2 inside the store. Subject 1 walks to the front of the line and subsequently purchases what appears to be two cigars. The recording also depicts the beginning of the altercation between Subject 1 and Civilian 1 and Civilian 2. The recording shows the three men engaged in a physical

altercation that spills out of the store and out of the cameras' views.

Camera #7

- Camera #7 was positioned on the exterior of the rear of the liquor store. Camera #7 did not have a view of this incident.

Camera #10

- Camera #10 was in a fixed position on the front exterior of the liquor store facing west. Camera #10 depicted the same information as Camera #1, but due to its angle and position Camera #10 did not capture Officers B and A until Officer A approached Civilian 1, who was on the south sidewalk of 69th Street near the front of the liquor store. (Att. 39)

This Investigation revealed that no **in-car camera** recording was recovered from the police vehicle assigned to Officers B and A. Their in-car camera was not functioning, and a request to have it repaired had been submitted prior to the date of this incident. (Atts. 4, 60)

This Investigation revealed that neither Officer B nor Officer A were equipped with **body-worn cameras**. (Att. 19)

POD #XXXX, located at XXXX S. Damen Avenue, was down for service at the time of this incident, and therefore no video was available. (Att. 88)

Physical Evidence

An Illinois State Police Division of Forensic Services report, dated 24 February 2017, indicates that the handguns belonging to Officers B and A were examined and determined to be functioning properly.

Four of the recovered fired cartridge casings were examined and determined to have been fired from Officer B's firearm. Two of the recovered fired cartridge casings were examined and determined to have been fired from Officer A's firearm.

Eight of the recovered fired cartridge casings were also examined and determined to not have been fired from the firearms belonging to Officers B or A. (Att. 98)

Medical Evidence

Subject 1's Medical Records, obtained from Christ Hospital, stated that Subject 1 was admitted to the emergency room on 19 November 2016, at 0015 hours. Subject 1 was subsequently diagnosed with a gunshot wound to his head/brain and multiple gunshot wounds to his back, right arm, and right leg. Subject 1 was pronounced deceased at 0049 hours. (Att. 83)

The **Medical Examiner's Postmortem Examination Report** stated that Subject 1 sustained five gunshot wounds, including a gunshot wound on the right side of his head. The wound path was directed from front to back, right to left, and downwards. A deformed gray metal projectile with a copper-colored jacket and a copper-colored jacket fragment were recovered from the posterior skull.

A second gunshot wound was observed in the back of the right arm. The fired bullet perforated that skin and soft tissue of the arm before exiting the body. The wound path was directed from slightly back to front, left to right, and upwards. No projectile or fragments were recovered from the wound track.

A third gunshot was observed on the left side of Subject 1's back. The wound path was directed back to front, slightly left to right, and sharply upwards. This wound was associated with fractures of the left 8th and 9th back ribs.

A fourth gunshot wound was observed on Subject 1's right buttock. The wound path was directed from back to front, right to left, and downwards. A deformed gray metal projectile with a copper-colored jacket was recovered from the soft tissue behind the left pubic ramus (left side of the pelvis area).

The fifth gunshot wound was also on Subject 1's right buttocks. The projectile perforated the skin and soft tissue of the right buttock prior to exiting the body. The associated exit wound was also on the right buttocks. The wound path was directed from slightly front to back, right to left, and downwards. No projectile or projectile fragments were recovered from the wound track.

No soot deposits or gunpowder stippling were observed on the surrounding skin of any of the gunshot wounds. Subject 1 also had several abrasions about his arms, legs, body, head and face. The cause of Subject 1's death was multiple gunshot wounds.

The toxicology report stated that Subject 1 tested positive of ethanol (Vitreous Humor – 234 mg/dL, and Central Blood – 186 mg/dL). (Att. 85)

Chicago Fire Department's Ambulance Report stated that on 28 November 2016, at 2351 hours, Ambulance #XX was dispatched to XXXX S. Damen Avenue regarding a gunshot victim. Ambulance #XX arrived on the scene at 2354 hours and found two adult males with gunshot wounds. One of the males, Subject 1, was found on the north side of 69th Street and the other, Civilian 1, was on the south side. Triage began while waiting for Ambulance #XX for Subject 1. Civilian 1 was found to have two gunshot wounds to his abdomen and a horizontal laceration below his lower lip. Civilian 1 was transported to Christ Hospital for treatment. (Att. 16)

The **Bureau of Internal Affairs Synoptic Report** stated that Sergeant A from the Bureau of Internal Affairs conducted a breathalyzer test with Officer B at 0410 hours on 19 November 2016, and collected a urine sample from Officer B at 0419 hours. The breathalyzer results reflected a blood alcohol content of .000 and the drug analysis of the urine was negative.

At 0501 hours on 19 November 2016 Sergeant A conducted a breathalyzer test with Officer A. At 0515 hours a urine sample was collected from Officer A. The breathalyzer results reflected a blood alcohol content of .000 and the drug analysis of the urine was negative. (Att. 46)

Civilian 1's medical records obtained from Christ Hospital state that on 19 November 2016, at 0013 hours, he was examined in the emergency room. Civilian 1 was diagnosed with a gunshot wound to his abdomen and a laceration to his lower lip. Civilian 1 was treated and discharged on 19 November 2016 at 2203 hours. (Att. 98)

CONCLUSION AND FINDING:

Based on the totality of the facts and circumstances, IPRA finds that an officer with similar training and experience as that of Police Officers B and A would reasonably believe that Subject 1 posed an immediate threat to their safety and the safety of the citizens on the street. Therefore, the use of deadly force by **Officers B and A** was objectively reasonable and **Within Policy** as outlined by the Use of Force Model; the Illinois State statute; and the Chicago Police Department's General Order 03-02-03, 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 hard unless arrested without delay."

Both officers reported witnessing Subject 1 point and fire a handgun in the direction of several people in front of the liquor store. The video recordings from the liquor store's security cameras captured this incident in its entirety. The recording depicted Subject 1 involved in an altercation with Civilian 1 and Civilian 2 that culminated with Subject 1 shooting at them, subsequently striking Civilian 1. Several civilian witnesses provided accounts of seeing Subject 1 discharge a handgun multiple times. The handgun Subject 1 reportedly fired was recovered from the sidewalk where he fell after the officers fired on him.

For the reasons outlined above, IPRA finds that the deadly force used by Officers B and A was **WITHIN** Department policy and consistent with Illinois state law and federal case law.

Submitted:

Approved:

 Investigator A, #XXX
 Investigator

 Deputy Chief Administrator A, #XXX
 Deputy Chief Administrator