

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	July 9, 2017
Time of Incident:	Approximately 11:30 a.m.
Location of Incident:	██████████ 5055 W. Wolfram Street Chicago, IL
Date of COPA Notification:	July 9, 2017
Time of COPA Notification:	12:36 p.m.

On July 9, 2017, Officers ██████████ and ██████████ responded to ██████████ accompanied by ██████████ and ██████████ whose son, ██████████ (Mr. ██████████) was allegedly not allowing his wife and son to leave their apartment. The officers were informed by ██████████ that Mr. ██████████ was armed with a handgun. When Officers ██████████ and ██████████ arrived at ██████████ and ██████████ entered the apartment.² The officers, standing outside the apartment, attempted to talk to Mr. ██████████ through an apartment window on the first floor. Within 10 minutes of the arrival of responding officers, ██████████ and ██████████ Mr. ██████████ wife, ██████████³ and Mr. ██████████ and ██████████ son exited the apartment and relocated to the alley north of the residence. Mr. ██████████ remained inside the residence.

Officer ██████████ continued speaking with Mr. ██████████ through the apartment windows asking him to come out and go to the hospital for observation. A CPD supervisor was requested and responding supervisor, Sergeant ██████████ was briefed on the situation and initiated a call to the Special Weapons and Tactics (SWAT) unit for a hostage, barricade, and terrorism (HBT) to respond to the incident. After SWAT was contacted, Officer ██████████ took a position near his squad car near 2714 N. Leclaire, Additional responding officers, ██████████ and ██████████ took position in the east alley between Parker and Diversey, Officer ██████████ backed his squad into the west alley between Parker and Diversey, and Officers ██████████ and ██████████ moved to their squad at Parker and Leclaire awaiting SWAT.

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. Therefore, 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.

² The officers on scene did not enter the apartment.

³ ██████████ was the wife of ██████████ and for this report will be referred to as ██████████ although some individuals identified her as ██████████. Additionally, IPRA interviewed ██████████ at the southwest corner of Diversey and Leclaire on July 9, 2017. ██████████ told Investigators ██████████ and ██████████ that she did not wish to give a statement to IPRA. She stated that she already gave a statement to the police department and that the police “had to do what they had to do.”

Within a few minutes, Mr. ██████ came out of the residence, pointed a gun at Ofc. ██████ who was on the west side of Leclaire near 2740 N. Leclaire and fired one round at Ofc. ██████. Mr. ██████ started to run north on Leclaire, then turned around and started to run south, and then again changed directions to run north on Leclaire. The second time Mr. ██████ ran north on Leclaire, he ran past the opening of the alley north of the apartment. As he did, Sgt. ██████ fired one round at him. Mr. ██████ continued to run north on Leclaire; he turned east on Diversey, continued approximately mid-way down the block, on the north side of the street, and entered a vacant lot at 5028 W. Diversey. He then ran north toward the alley between Diversey and Wolfram.

Multiple officers searched for Mr. ██████ in the area surrounding Leclaire, Diversey, and Wolfram. The Office of Emergency Management and Communications (OEMC) received a call indicating a man with a gun was in the backyards between 5043-5055 W. Wolfram. There were also reports that the subject was jumping from one roof to another.

Sgt. ██████ responded to the scene and while searching the area on Wolfram observed Mr. ██████ in the backyard at 5055 W. Wolfram. Sgt. ██████ ordered Mr. ██████ to drop the gun in his hand. Initially Mr. ██████ had his hands raised and Mr. ██████ started to walk toward Sgt. ██████. However, Mr. ██████ then suddenly lowered his arm and fired one round at Sgt. ██████. Sgt. ██████ took cover by moving toward the front of 5053 W. Wolfram.

Additional officers arrived at the scene and located Mr. ██████ in the basement stairwell at the rear of 5055 W. Wolfram. Sgt. ██████ was in the front of the residence at 5053 W. Wolfram, while Ofc. ██████, Ofc. ██████ and Ofc. ██████ were in the backyard at 5055 W. Wolfram. Ofc. ██████ was in the alley behind 5055 W. Wolfram and Ofc. ██████ and Ofc. ██████ were in the backyard at 5053 W. Wolfram. Multiple officers gave Mr. ██████ verbal commands to drop his weapon and come out of the stairwell with his hands up. After several minutes, Mr. ██████ came out of the stairwell and started to move north into the gangway. Mr. ██████ turned and pointed a handgun at Officers ██████, ██████ and ██████ in the backyard of 5055 W. Wolfram; Sgt. ██████ and Officers ██████ and ██████ fired and Officer ██████ attempted to fire at Mr. ██████. Sgt. ██████ fired one round at Mr. ██████ when Mr. ██████ pointed his weapon at the officers in the backyard between 5053 and 5055 W. Wolfram.⁴ Ofc. ██████ fired one round while on the walkway in the backyard of 5055 W. Wolfram. Ofc. ██████ rose to a standing position approximately five feet west of the walkway, in the backyard, and pressed his trigger, but his firearm did not discharge. Ofc. ██████ who was in the alley behind 5055 W. Wolfram facing north, fired three rounds from the alley. Ofc. ██████ fired one round from between the residence at 5053 W. Wolfram and an adjacent fence post.

As Mr. ██████ continued to move north in the gangway, he collapsed approximately ten feet from the front gate. Multiple officers continued to give Mr. ██████ commands as he fell to the ground. Mr. ██████ was searched and handcuffed. Ofc. ██████ recovered a handgun and turned it over to Ofc. ██████ who held the weapon until Officer ██████ found an evidence bag. Ofc. ██████ then returned the weapon to Ofc. ██████. Mr. ██████ was transported to Community First Medical Center where he was pronounced dead.

⁴ The officers in the two yards believed ██████ pointed the weapon at them.

II. INVOLVED PARTIES

Involved Officer #1:	██████████ Star# ██████ Employee# ██████ Date of Appointment: ██████ 2012; Police Officer; Unit ██████ DOB: ██████ 1985; Male; White
Involved Sergeant #2:	██████████ Star# ██████ Employee# ██████ Date of Appointment: ██████ 2005; Sergeant; Unit ██████ DOB: ██████ 1972; Male; White
Involved Officer #3:	██████████ ██████ Star# ██████ Employee# ██████ Date of Appointment: ██████ 1997; Police Officer; Unit ██████ DOB: ██████ 1964; Male; Hispanic
Involved Officer #4:	██████████ Star# ██████ Employee# ██████ Date of Appointment: ██████ 2006; Police Officer; Unit ██████ DOB: ██████ 1981; Male; White
Involved Officer #5:	██████████ Star# ██████ Employee# ██████ Date of Appointment: ██████ 1998; Police Officer; DOB: ██████ 1965; Male; White
Involved Officer #6:	██████████ Star# ██████ Employee# ██████ Date of Appointment: ██████ 2000; Unit ██████ DOB: ██████, 1977; Male; White
Subject #1:	██████████ DOB: ██████ 1993; Male; Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding
Officer ██████	N/A	Within Policy
Sergeant ██████	N/A	Within Policy
Officer ██████ Jr.	N/A	Within Policy
Officer ██████	N/A	Within Policy
Officer ██████	N/A	Within Policy
Officer ██████	N/A	Within Policy

IV. APPLICABLE RULES AND LAWS

General Orders

1. 03-02-03, III,⁵ Firearms Discharge Incidents Involving Sworn Members

Federal Laws

1. The Fourth Amendment of the United States Constitution

State Laws

1. 720 ILCS 5/7-5 (1986)**V. INVESTIGATION⁶****a. Interviews**

Members of IPRA conducted a canvass of the area on July 9, 2017, after the incident to locate potential witnesses. During the canvass, the following information was acquired:

██████████⁷ stated she saw officers outside with guns out and heard shots, her husband was outside recording a Facebook live video.

██████████⁸ said she saw a person on the roof of 5049 W. Wolfram and saw a bunch of police officers. She said she heard shots but did not see anything else.

██████████⁹ said he heard two shots and saw police running with their guns out.

██████████¹⁰ said she saw a man in her neighbor's backyard to the west. She saw him run north; she went to her front window and saw the police outside. She did not see the man holding a weapon.

██████████¹¹ said her daughter, ██████████ told her there was a man with a gun in the backyard, she went out and got her father from the front yard and called her neighbor two doors down, a CPD officer, and told him there was a man with a gun in her backyard.

██████████¹² said she heard something on the roof. She and her husband went to the attic and found nothing. She went to the back door by the kitchen window and heard a female officer say, "shots fired". She went to open her back door and heard shots, an officer told her to go inside.

⁵ This report references the version of General Order 03-02-03 in effect on July 9, 2017.

⁶ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁷ Att. #5 Information obtained on July 9, 2018 canvass. No formal statement taken.

⁸ Att. #5 Information obtained on July 9, 2018 canvass. No formal statement taken.

⁹ Att. #5 Information obtained on July 9, 2018 canvass. No formal statement taken.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

██████████¹³ in her statement on July 9, 2017 said her son called her on the phone about the police activity outside. She came out of the house and heard officers yelling at someone to “drop the gun,” “get down,” then she heard between six and eight shots, and saw the police run toward a house to the east of her. The police then started to put up the yellow tape.

██████████¹⁴ in a recorded interview on July 9, 2017 said he heard the police yelling, ██████████ said he believed the officers were saying things like: “be careful,” “they went that way,” “he went this way,” “stop, and “you got it.” He heard eight gunshots, a sequence of two shots, a pause then 4 shots, and a pause then two more shots.

██████████¹⁵ on July 9, 2017 said that he was working in his yards when he saw the police arriving. Mr. ██████████ started to talk to his neighbor and when he saw the police running toward a house east of his location he took out his cell phone and started recording the incident. Mr. ██████████ heard the police telling someone “get down,” and “drop the gun.” Mr. ██████████ heard 4 shots and he believed the police took the person into custody. The police then started to put up the yellow tape. His Facebook recording was downloaded by CPD technicians.

██████████¹⁶ in a recorded statement on July 9, 2017 said she was driving west in the alley between Diversey and Wolfram when she heard a person say help me. Ms. ██████████ slowed her vehicle and looked around and saw a man that appeared to have been running from Diversey to the alley between Diversey and Wolfram. It appeared the man entered the alley through a parking lot. When Ms. ██████████ saw him, she noticed a silver gun in his right hand. Ms. ██████████ said he never raised the gun toward her, but she accelerated to Leclaire and then turned south on Leclaire. Ms. ██████████ said she heard more than three shots with pauses in between shots. Ms. ██████████ turned west on Diversey and contacted the police after she returned home.

██████████¹⁷ in a recorded statement on July 9, 2017, said she saw a man enter her backyard and attempt to get into her garage. When he was unsuccessful he hesitated, seemingly to catch his breath, and she saw a silver gun in his hand. She called 911 and informed the police department and described the man as a medium height Hispanic with short hair wearing a tank top and shorts.

██████████¹⁸ in a recorded statement on July 9, 2017, said she was in the kitchen, which is in the rear of the residence, cleaning up from breakfast, when she heard yelling. Ms. ██████████ heard a gunshot. Ms. ██████████ looked out the window and saw a man with a gun in the backyard. Ms. ██████████ ran and locked the back door. There was a small space where she could see out into the backyard and saw the man move toward the front of the house. Ms. ██████████ believed she heard

¹³ Att. #15. COPA does not have an audio copy of IPRA’s interview with ██████████. When the recording device was accessed at IPRA, the interview was not found on the device. The information about the interview was contained in field notes. It is unclear if the failure to record was an operator error or recorder malfunction.

¹⁴ Att. #20, 155

¹⁵ Att. #23. COPA does not have an audio copy of IPRA’s interview with ██████████. When the recording device was accessed at IPRA, the interview was not found on the device. The information about the interview was contained in field notes. It is unclear if the failure to record was an operator error or recorder malfunction.

¹⁶ Att. #26, 156

¹⁷ Att. #29, 157

¹⁸ Att. #32, 202; Translated from Spanish to English by Victoria Legal Services

the man fire another shot, but she could not see where he was shooting. During that time, Ms. ██████ heard several voices she described as furious yelling but did not understand what was said because she does not speak English. Ms. ██████ ran to the bathroom and locked herself inside because she was afraid the man was going to try to enter the residence. While in the bathroom, Ms. ██████ heard several more shots that she described as coming from different guns. After Ms. ██████ no longer heard the commotion, she went upstairs to her husband's cousin's residence. Ms. ██████ saw the police and calmed down. Her husband's cousin told her that the police had him in custody. (Att. 32, 202)

██████████¹⁹ in a recorded statement on July 9, 2017 said he was an off-duty Chicago Police Officer. Officer ██████ received a phone call from his neighbor from two houses east of his residence, Ms. ██████ who told him there was a man with a gun trying to get into her house. Officer ██████ went into his backyard and, as he turned to look through his fence facing east, out of the corner of his eye he saw something jump across from the rooftop east of him onto his roof. When Officer ██████ turned north toward his home he saw a subject, now known to be Mr. ██████ standing on his roof pointing a silver or chrome handgun at him. Officer ██████ told Mr. ██████ to drop the weapon several times, when he heard sirens Officer ██████ told Mr. ██████ to run because Officer ██████ was unarmed and believed if he told Mr. ██████ to run, Mr. ██████ would flee rather than fire at Officer ██████. Mr. ██████ ran and jumped off the roof into the backyard to the west of Officer ██████ residence. Officer ██████ attempted to keep an eye on Mr. ██████ through the slight openings between slats on the fence to determine a direction of travel. Officer ██████ saw Mr. ██████ facing south toward the alley. Mr. ██████ then turned to face north and took a couple of steps northward. At some point, shortly after Mr. ██████ landed in the backyard adjacent to Officer ██████ residence, Officer ██████ heard a shot that he believed was discharged by Mr. ██████. As he heard officers arriving on the scene, Officer ██████ was verbally directing officers, as well as pointing to the area he last saw Mr. ██████. Officer ██████ entered his residence to retrieve keys to unlock his gates and allow officers access to his backyard. After opening his gates, Officer ██████ went into his residence. After reentering his residence, Officer ██████ heard yelling to the effect of, "He's back here." "Drop the gun." Approximately 2-3 minutes later, he heard four or five more gunshots in his west gangway. Shortly thereafter, Officer ██████ exited his residence and saw officers starting to put up crime scene tape; he returned to his residence.

██████████²⁰ mother of Mr. ██████ was interviewed at the southwest corner of Diversey and LeClaire on July 9, 2017, by IPRA. ██████ told Investigator ██████ and ██████ that the incident started approximately at midnight when she received a text from ██████ which she did not read at that time. ██████ then called her at approximately 2:00 a.m. and when ██████ answered the phone was hung up. Shortly thereafter, ██████ texted ██████ asking what was going on. ██████ responded with a text saying Mr. ██████ had a gun and did not want to live. ██████ asked ██████ to come over. Mr. ██████ called ██████ and told her everything was fine and that he only had a BB gun. ██████ told him to stop scaring ██████ and to go get help or rehab. ██████ explained that Mr. ██████ was a recovering heroin addict and that when she last saw him on July 4, 2017, he looked good and did not appear to be using drugs. ██████ sent Mr. ██████ a

¹⁹ Att. #60, 127

²⁰ Att. 314

text message asking him if everything was ok, Mr. ██████ replied that he did not want to talk. ██████ told IPRA investigators of the following text exchange between ██████ and herself: ██████ said that Mr. ██████ wanted to leave, ██████ responded where would he go, and ██████ responded that Mr. ██████ wanted to leave this life.

██████ said that Mr. ██████ in the past had become suicidal and aggressive when he was angry. ██████ said she told the police of Mr. ██████ suicidal ideation and his aggressive behavior when she went to the police department to ask for assistance. When ██████ arrived at Mr. ██████ house with the officers, the officers told her to go in first. ██████ thought the officers were going to follow her in with tasers. During the interview with IPRA, ██████ was told that Mr. ██████ was dead. ██████ became distraught and angry after being informed of her son's death. ██████ said the police did not listen to her and ended the interview saying she needed time before she could be formally interviewed.

██████ ██████ was interviewed on July 11, 2017, at Fred's Auto Repair located at 5023 W. Diversey. Mr. ██████ said he was standing near the door in the front of the building waiting for his shift to end when he heard shots being fired at around 12:00 p.m. At about 12:05 p.m., Mr. ██████ saw a male running east on Diversey with a silver gun in his right hand. Mr. ██████ described the male as Hispanic. Mr. ██████ said the male was on the north side of Diversey and then ran north through the vacant lot by Ramon & Ramon Auto Repair located at 5024 W. Diversey and when the male reached the alley he ran west in the alley. Mr. ██████ said he heard two groups of shots. ██████ believed the first group of shots came from the area of Leclaire south of Diversey and then he saw the man run past. Within 10 minutes he heard more shots coming from the area north of Diversey near Leclaire.

██████ ██████ was interviewed on July 11, 2017, at his residence. Mr. ██████ said he saw the ██████ family pull up to the residence. A few minutes later Mr. ██████ saw the family leave the residence and the police put them in a squad car. Mr. ██████ saw the police, across the street from his apartment window. Mr. ██████ said the police were at 2741 N. Leclaire, standing outside talking to a man, Mr. ██████ through the open windows of the man's apartment. Mr. ██████ saw Mr. ██████ exit the building. Mr. ██████ described Mr. ██████ as wearing blue shorts; he said he did not see anything in Mr. ██████ hands. ██████ said he saw and heard an officer outside his building point and fire at Mr. ██████ as Mr. ██████ ran north on Leclaire. Mr. ██████ then saw and heard another officer in the alley on the east side of Leclaire fire at Mr. ██████ as Mr. ██████ ran north. When asked to explain what he saw the officer in front of his residence do, Mr. ██████ said he saw the officer with his hands pointing at a 45° to a 90° angle from the ground and point a firearm toward Mr. ██████ as Mr. ██████ ran. Mr. ██████ originally said he saw the officer discharge his weapon and later was less sure about seeing the officer discharge his weapon.

██████ ██████ was interviewed on July 13, 2017, at her apartment. Ms. ██████ said she lived there for about three months and had spoken with Mr. and Mrs. ██████ casually. Ms. ██████ said the Mr. and Mrs. ██████ had ongoing domestic problems since Ms. ██████ moved into the

²¹ Att. #83, 158

²² Att. #86, 159

²³ Att. #118, 154, 232

apartment. Sometime in June, Ms. ██████ said she was speaking with a neighbor whose name she could not recall, later identified as ██████ and was told if she saw ██████ boyfriend (Mr. ██████) not to let him in the building. ██████ said she had a restraining order against him. On July 9, 2017, Ms. ██████ heard the Mr. and Mrs. ██████ arguing. Around 8:35 a.m., Ms. ██████ was in her kitchen making breakfast for her daughter when she heard the arguing and a toddler child crying. Ms. ██████ heard ██████ tell Mr. ██████ to “leave me alone,” “get off me,” and “stop.” ██████ came out on the back porch and threw her car keys to Ms. ██████’s boyfriend, ██████ who was outside at the time. Mr. ██████ came out to the porch and took the child back into the apartment, ██████ followed. Ms. ██████ described ██████ as looking like she was overwhelmed, tired, and like she had been crying. Ms. ██████ described Mr. ██████ as looking angry. A short time after Mr. and Mrs. ██████ went back into the apartment, they started arguing again. Approximately twenty minutes later, Ms. ██████ had ██████ give ██████ her car keys. Ms. ██████ said about thirty-five minutes after that, she heard Mr. and Mrs. ██████ apartment door shut. Ms. ██████ heard two gunshots. Ms. ██████ said she heard the first shot and then 3 to 5 seconds later the second shot. Ms. ██████ said they sounded the same. Ms. ██████ looked outside and saw an officer in front waving to an officer in a white shirt in the alley and that the white shirt officer in the alley had his weapon in his right hand at his side which concluded her original statement. After the recorder was stopped, Ms. ██████ began to give more information. The recorder was restarted, and Ms. ██████ said a few weeks prior, ██████ confided in her that Mr. ██████ was addicted to heroin and Mr. ██████ stole ██████ money to buy heroin. ██████ further explained that when he does not have the drug, Mr. ██████ “goes crazy.” Ms. ██████ said ██████ saw Mr. ██████ running around one time just acting crazy. ██████ would throw Mr. ██████ out and Mr. ██████ would be banging on their window asking them to let him into the building. However, Ms. ██████ never personally saw Mr. ██████ using drugs.

██████ ██████ was interviewed on July 16, 2017, at his residence. Mr. ██████ stated he was standing across the street with ██████ when a Jeep arrived with police vehicles following. One of the police vehicles pulled up east bound on Parker. As other units arrived, one went into the northeast alley facing west and the other in the northwest alley facing east. The police officers grouped in the alley, the parents (██████) went into the building, and about a minute later, came out with the daughter and the toddler. The police put them in a police car, drove them to the end of the block, dropped them off, and came back. Mr. ██████ came to the window and asked the cops where his girl and kid were. The “white shirt” officer was talking, telling Mr. ██████ “to come out with no weapons,” “to keep his hands up,” and that they “just wanted to talk to him.” Mr. ██████ wanted to know “why they were there,” “what he did do wrong?” “Where was his girl,” and “why did they take her?” The “white shirt” told him to come out without a gun, and there would be no problem. The police were in the northeast alley, talking amongst themselves, laughing, and it appeared they were taunting Mr. ██████. The “white shirt” officer was the only one talking to Mr. ██████. Mr. ██████ slammed the window screen and went inside. Mr. ██████ came back and opened the screen. He asked again, “why were the police there?” “Why did they remove his girl,” and “what was the problem?” Mr. ██████ was told to “come out,” that “his family was alright,” “don’t bring out any weapons,” and “keep your hands up.” When asked about Mr. ██████ demeanor, Mr. ██████ responded that Mr. ██████ raised his voice, not in anger, but to be heard. After Mr. ██████ closed the screen the second time, about 40-50 seconds later, he came out of the building’s front door, shot the gun in the air, and then ran right past the “white

²⁴ Att. #151, 212

shirt,” and three other officers. Mr. ██████ stated that the whole situation could have been deescalated. Mr. ██████ stated that tension was high and that the cops seemed as if they already had an attitude and were taunting Mr. ██████ through the window. Mr. ██████ said, “█████ and I were standing on the corner, and the first thing that came to mind was this kid’s gonna to die today.” According to Mr. ██████ Mr. ██████ came out of the building and shot his gun into the air. Mr. ██████ stated that Mr. ██████ never pointed the gun in anyone’s direction and that it was a small gun. Mr. ██████ took off running within 1 to 2 feet of the police officers. The officers began drawing their guns and saying, “get down, shots fired.” As soon as Mr. ██████ hit the alley, Mr. ██████ heard bangs. Mr. ██████ went east toward Lavergne and none of the officers had their weapons out. The officers did not expect Mr. ██████ to come out and when Mr. ██████ discharged his gun, the officers drew their guns and chased him east into the alley. Mr. ██████ believed the officers could have shot Mr. ██████ in the leg as Mr. ██████ was going east in the alley. ██████ heard the sergeant say, “Don’t shoot him here.” Mr. ██████ stated two or three people were recording the incident. Mr. ██████ could not identify any of the people recording the incident. Mr. ██████ said the people who were recording were stopped at Lavergne and not allowed to cross Diversey; they were only letting police through. Mr. ██████ said he saw the officers on the south end of the building shooting at Mr. ██████ as he ran. Mr. ██████ got on his bike, followed, and heard six or seven more shots; he saw Mr. ██████ lying in the alley between Wolfram and Diversey.

Mr. ██████ spoke with Mr. ██████ before the police arrived on the day of the incident asking Mr. ██████ how it was going. Mr. ██████ said Mr. ██████ was depressed for a while and that he was on drugs same as all the other kids. Mr. ██████ stated that Mr. ██████ was involved in street gangs, had no love, no family support, no morals, and no ethics. Mr. ██████ said Mr. ██████ was on dope: “heroin, China white, blow. I don’t he think he was shooting it, but he tooted it a lot.” Mr. ██████ thought the cops could have deescalated the situation. Mr. ██████ did not think Mr. ██████ should have died “the kid was crying for help for a while.”

Witness Officer Statements

On July 20, 2017, Ofc. ██████ # ██████²⁵ was interviewed at IPRA. Ofc. ██████ stated she was working Beat ██████ with her partner Ofc. ██████ on July 9, 2017. Ofc. ██████ heard a radio call that an officer was being shot at and she responded to the scene with her partner. They drove east on Diversey and parked at Diversey and Leclaire. Ofc. ██████ activated her bodycam a few moments before they arrived, exited the vehicle, and started to cross the street. As Ofc. ██████ was walking across Leclaire to the east side of the street, she heard an undetermined number of gunshots. Ofc. ██████ took cover behind a squad car that was parked on the west side of Leclaire at Diversey. Ofc. ██████ heard someone say, “He’s down.” Ofc. ██████ walked toward the alley between Diversey and Wolfram. Ofc. ██████ stopped before arriving at the alley and then waited for further instructions. The detectives on scene reviewed her body cam.

On July 28, 2017, Ofc. ██████ # ██████²⁶ was interviewed at IPRA. He stated that he was working Beat ██████ on July 9, 2017, as part of the ██████ District tactical unit. Ofc. ██████ and his partner, Ofc. ██████ responded to the call of shots fired at and by the police. Ofc. ██████

²⁵ Att. #169, 201

²⁶ Att. #168, 188

responded to the 5000 block of West Wolfram because the radio traffic was directing them to that area. The man who fired at the police, Mr. [REDACTED] was supposed to be in the area. When they arrived, Ofc. [REDACTED] parked on Wolfram four or five houses east of 5055 W. Wolfram. Ofc. [REDACTED] and Ofc. [REDACTED] exited their squad car. Ofc. [REDACTED] saw other officers heading to a gangway, two or three houses east of 5055 W. Wolfram. Ofc. [REDACTED] and Ofc. [REDACTED] climbed a fence into the backyard adjacent to 5055 W. Wolfram. When Ofc. [REDACTED] and Ofc. [REDACTED] attempted to climb the next fence, into 5055 W. Wolfram, officers in the backyard with Ofc. [REDACTED] and Ofc. [REDACTED] told them not to climb the fence because the subject that fired at the police was on the other side of the fence. Ofc. [REDACTED] heard officers telling Mr. [REDACTED] several times to drop the gun. Ofc. [REDACTED] heard at least four gunshots. After the gunshots subsided, Ofc. [REDACTED] helped his partner over the fence, and Ofc. [REDACTED] went around to the front of the building east of 5055 W. Wolfram. Ofc. [REDACTED] never saw Mr. [REDACTED] until he passed the gangway at 5055 W. Wolfram; he never saw Mr. [REDACTED] with a gun in his hand. When Ofc. [REDACTED] passed the gangway, he saw an officer with a cleared weapon²⁷ that Ofc. [REDACTED] believed belonged to Mr. [REDACTED]. When Ofc. [REDACTED] met back up with his partner, the supervisor, Lieutenant [REDACTED] asked who discharged their weapons. Ofc. [REDACTED] found out his partner was one of the officers who discharged their weapon. Ofc. [REDACTED] was equipped with a bodycam but forgot to turn it on until after the incident was over.

On August 1, 2017, Ofc. [REDACTED] # [REDACTED]²⁸ was interviewed at IPRA. Ofc. [REDACTED] said he was working Beat [REDACTED] alone on July 9, 2017. Ofc. [REDACTED] said he responded to the call of shots fired and drove to the area of Leclair and Wolfram. When Ofc. [REDACTED] exited his vehicle, he saw officers congregating near 5059 W. Wolfram. Ofc. [REDACTED] entered the gangway between 5055 and 5059 W. Wolfram. Ofc. [REDACTED] climbed a fence into the backyard at 5055 W. Wolfram, where he was told Mr. [REDACTED] was located. Officers [REDACTED] and [REDACTED] were in the backyard, when Ofc. [REDACTED] entered the backyard. After determining Mr. [REDACTED] was in the rear basement stairwell of 5055 W. Wolfram, Ofc. [REDACTED] along with other officers gave Mr. [REDACTED] verbal commands to drop the gun and come out peacefully. In the backyard, Ofc. [REDACTED] was between Ofc. [REDACTED] on his left and Ofc. [REDACTED] on his right as they continued to give commands; another officer was behind Ofc. [REDACTED] later determined to be Ofc. [REDACTED]. Mr. [REDACTED] ran out of the stairwell north through the gangway. Mr. [REDACTED] turned back and fired. Officers returned fire. Ofc. [REDACTED] believed Mr. [REDACTED] fired two shots. The officers in the backyard returned fire. Ofc. [REDACTED] believed the officers fired about four shots. Ofc. [REDACTED] believed Officers [REDACTED] and Sgt. [REDACTED] fired at Mr. [REDACTED]. Ofc. [REDACTED] said he did not fire because he did not have a clear line of sight to Mr. [REDACTED]. Mr. [REDACTED] fell face forward and the officers converged toward Mr. [REDACTED]. Ofc. [REDACTED] picked up the weapon near Mr. [REDACTED] hand and turned it over to Ofc. [REDACTED]. Ofc. [REDACTED] handcuffed Mr. [REDACTED] and searched him. Ofc. [REDACTED] recovered a note²⁹ in Mr. [REDACTED] back pocket.

On August 3, 2017, Ofc. [REDACTED] # [REDACTED]³⁰ was interviewed at IPRA. Ofc. [REDACTED] was working Beat [REDACTED] alone on July 9, 2017 and responded to a call of shots fired at police. When Ofc. [REDACTED] arrived, he parked on Wolfram a few houses east of 5055 W. Wolfram.

²⁷ Ofc. [REDACTED] saw the slide back

²⁸ Att. #170, 203

²⁹ The note was addressed to Mr. [REDACTED] loving family and included his apologies for pain he caused. It identifies the marital problems he encountered and expressed his love for [REDACTED]. The entire note is in attachment 12.

³⁰ Att. #172, 204

After exiting his squad car, Ofc. ██████ started jogging west toward the area where other officers were located. As he approached the officers, he heard a shot. When he arrived at 5053 W. Wolfram, Ofc. ██████ was informed that Mr. ██████ shot at Sgt. ██████ Ofc. ██████ tried to enter the backyard at 5055 W. Wolfram, but the gate was locked. Ofc. ██████ went to the gangway between 5055 and 5059 W. Wolfram and went south toward the backyard. Ofc. ██████ encountered Ofc. ██████ and then climbed over the fence into the backyard at 5055 W. Wolfram followed by Ofc. ██████ They cleared the backyard³¹ and Ofc. ██████ climbed the stairs at the rear of the residence because he heard over the radio that Mr. ██████ may have been jumping across rooftops. Ofc. ██████ did not locate Mr. ██████ on the roof and he could not see Mr. ██████ in the adjacent backyards. Ofc. ██████ descended the stairs and heard officers asking where Mr. ██████ was located. As Ofc. ██████ was walking behind the building, he heard noises in the basement area of 5055 W. Wolfram and he saw Mr. ██████ move out and then back into the basement area. Ofc. ██████ believed Mr. ██████ was agitated because he could hear him saying something but could not make out the words. Ofc. ██████ alerted the other officers of Mr. ██████ location and started to give Mr. ██████ verbal commands to drop the weapon. Mr. ██████ ran up the steps and Ofc. ██████ began to rise and move forward, he pressed the trigger on his weapon, but it did not discharge. At that point, Ofc. ██████ said his vision momentarily became unfocused. When he saw Mr. ██████ running down the gangway Ofc. ██████ saw the chrome/silver handgun in Mr. ██████ hand. Mr. ██████ ran down the gangway and Ofc. ██████ heard three shots. As Mr. ██████ continued down the gangway, he fell forward with the officers in pursuit. Ofc. ██████ continued to give verbal commands. When Mr. ██████ fell, Ofc. ██████ told Mr. ██████ to drop the gun and roll to his left. When the officers got to Mr. ██████ Ofc. ██████ retrieved Mr. ██████ weapon and gave it to another officer³². An ambulance was called for Mr. ██████

On August 7, 2017 Ofc. ██████ ██████ # ██████³³ was interviewed at IPRA. Ofc. ██████ was working Beat ██████ with his partner Ofc. ██████ on July 9, 2017. He responded to the call of shots fired at the police in the area of Leclaire and Wolfram. Ofc. ██████ activated his BWC and exited the police vehicle. Ofc. ██████ started walking north across Diversey. Ofc. ██████ heard three to ten shots that he believed were coming from the area north/northeast of his location. Ofc. ██████ drew his weapon and took cover behind a Crown Vic. A short time later, Ofc. ██████ heard over the radio that the scene was secure. Ofc. ██████ walked north to the alley between Diversey and Wolfram and stayed in the area. Ofc. ██████ told the Lieutenant he was on scene and had a BWC.

³¹ Made sure no one was in the backyard area.

³² Special Order S07-01-04 provides that Firearms and/or property directly related to a firearm (including but not limited to ammunition, expended shell casings, magazines, and holsters) that require fingerprint or DNA processing will not be touched, handled, or removed by any members other than Forensic Services Division personnel unless exigent circumstances requiring immediate removal exists. When the members of the Chicago Police Department entered the gangway between 5053 and 5055 W. Wolfram the consensus, based on their statements, was that it appeared that Mr. ██████ was reaching for the weapon. The officers also indicate that when they reached ██████ he was handcuffed. Ofc. ██████ said he retrieved the weapon and handed it to another officer. Ofc. ██████ said when he entered the gangway, he saw the gun near Mr. ██████ hand, Ofc. ██████ retrieved the gun and gave it to him. He attempted to clear the weapon and saw a shell casing jammed in the breach. Ofc. ██████ who activated his body camera, entered the gangway, after the gun was recovered. There is not sufficient information to determine whether exigent circumstance existed making it imperative to recover the weapon, or if a prudent officer would have allowed the weapon to remain untouched for the forensic services division personnel.

³³ Att. #176, 187

On August 8, 2017, **Sergeant** ██████████ #████████³⁴ was interviewed at IPRA. Sgt. ██████████ said she was working Beat ██████████ supervising officers on her log on July 9, 2017. Sgt. ██████████ finished a mental health disturbance call and then heard the call of shots fired at and by the police. When Sgt. ██████████ arrived at Leclair heading east of Diversey, she saw Ofc. ██████████ running east on Diversey. Sgt. ██████████ picked up Ofc. ██████████ and proceeded east on Diversey. About midblock, Sgt. ██████████ observed citizens pointing north of Diversey. Sgt. ██████████ continued east and headed north on Lavergne. At the alley between Diversey and Wolfram, Sgt. ██████████ let Ofc. ██████████ out and Ofc. ██████████ headed west in the alley. Sgt. ██████████ continued north to Wolfram and drove west on Wolfram. At approximately 5053 W. Wolfram there was citizen indicating Mr. ██████████ was in the backyard at 5055 W. Wolfram. Sgt. ██████████ radioed the information to OEMC and parked her squad at Leclair and Wolfram. Sgt. ██████████ drew her weapon and headed east on Wolfram. When Sgt. ██████████ was in front of the wrought iron gate of the gangway at 5055 W. Wolfram, she saw Mr. ██████████ in the gangway at the rear of the house. Sgt. ██████████ told Mr. ██████████ to drop the gun. Mr. ██████████ had his hands up with the gun in his hand. Sgt. ██████████ described the gun as a silver automatic. Mr. ██████████ took two steps north toward Sgt. ██████████ lowered his hand, and fired a round at Sgt. ██████████. Sgt. ██████████ moved to her left for cover and radioed shots fired and Mr. ██████████ location. Officers ██████████ and ██████████ arrived, and Sgt. ██████████ informed them that Mr. ██████████ shot at her and was in the backyard at 5055 W. Wolfram. Sgt. ██████████ checked the front between 5051 and 5053 W. Wolfram and did not see Mr. ██████████. Sgt. ██████████ crossed the mouth of the gangway between 5053 and 5055 W. Wolfram and did not see Mr. ██████████. Sgt. ██████████ heard Officers ██████████ and ██████████ in the backyard saying they did not see him, where was he. She then heard officers telling Mr. ██████████ to drop the gun; show his hands. She moved to the gangway between 5055 and 5059 W. Wolfram to try and locate Mr. ██████████. Approximately 4 to 8 minutes later, Sgt. ██████████ heard approximately four shots being fired. When Sgt. ██████████ heard Mr. ██████████ was down, she called for EMS. Sgt. ██████████ moved to the front gate at 5055 W. Wolfram and secured the key to open the gate. Once Sgt. ██████████ opened the gate, she ordered everyone out of the gangway and ordered the officers that fired their weapon to return to their vehicles alone, turn off their phone, and not talk to or text anyone. Sgt. ██████████ also ordered officers to secure the crime scene.

On August 17, 2017 **Ofc.** ██████████ #████████³⁵ was interviewed at IPRA. Ofc. ██████████ said he was working Beat ██████████ alone on July 9, 2017. Ofc. ██████████ heard the call of a possible hostage situation with a gun and advised dispatch that he would back up Beat ██████████. When Ofc. ██████████ arrived, he parked on Parker just east of Leclair and was the first on scene. Ofc. ██████████ arrived and shortly thereafter the mother of the man with a gun, ██████████ and a male arrived. Ofc. ██████████ was trying to ascertain what was going on. ██████████ wanted the officers to enter the building. ██████████ was told by Officer ██████████ they needed to wait because gun situations are handled differently. ██████████ walked up to the building and entered. A short time later she came out with a female holding a baby. Ofc. ██████████ ensured the female and baby were all right and then asked if there was a gun in the house. Ofc. ██████████ said the woman who exited with the child motioned to her waistband indicating that the individual in the residence had a handgun in his waistband. Ofc. ██████████ moved the family into the alley north of the apartment for safety and then moved to the opening of the alley. Ofc. ██████████ and Ofc. ██████████ attempted to talk Mr. ██████████ out of the residence, telling him they would get him help. Ofc. ██████████ could see Mr. ██████████

³⁴ Att. #177, 200

³⁵ Att. #199, 218

looking out the window and Mr. ██████ continuously looked behind himself toward the rear of the apartment. Mr. ██████ told the officers, "You can't help me." Because Mr. ██████ kept looking over his shoulder, Ofc. ██████ moved east in the alley north of the apartment to cover the back door. While in that position, Mr. ██████ came to the back door and made eye contact with Ofc. ██████ Sgt. ██████ called in an HBT situation. Ofc. ██████ stayed at his position. A few minutes later, Ofc. ██████ heard a gunshot, saw Ofc. ██████ taking cover behind his squad car, saw a male in shorts run past the alley, and heard another gunshot. Ofc. ██████ radioed the description of Mr. ██████ running north and checked on Ofc. ██████ Ofc. ██████ learned Sgt. ██████ fired at Mr. ██████ Ofc. ██████ radioed a message of shots fired at and by the police. Ofc. ██████ moved to the opening of the alley to look down Leclaire to see if he could see Mr. ██████ he did not. Ofc. ██████ returned to the family's location, to ensure he could protect the family if Mr. ██████ came back into the alley east of their location. When Ofc. ██████ heard over the radio that Mr. ██████ was on Wolfram, he moved to Leclaire and went north to Diversey, where he stationed himself. While there, Ofc. ██████ heard several gunshots in rapid succession.

On August 23, 2017, Ofc. ██████ #█████³⁶ was interviewed at IPRA. Ofc. ██████ said he was working Beat ██████ with his partner Ofc. ██████ on July 9, 2017. They heard the call of the domestic disturbance and possible hostage situation and decided to take a ride to the area. They arrived and parked near Parker and Leclaire. When they heard Sgt. ██████ call for a SWAT team, they decided to stay. Ofc. ██████ saw Ofc. ██████ on the west side of Leclaire yelling at someone in the building and Sgt. ██████ in the alley north of the building. A short time after the call for SWAT was made, Ofc. ██████ saw Mr. ██████ leave the building holding a silver metallic handgun with two hands and fire two shots at Ofc. ██████ Ofc. ██████ saw the weapon recoil twice. Mr. ██████ ran north still holding the weapon. As Mr. ██████ crossed the mouth of the alley, Ofc. ██████ saw Sgt. ██████ fire one round at Mr. ██████ Ofc. ██████ identified the weapon as a small silver metallic handgun. Ofc. ██████ pursued Mr. ██████ north on Leclaire to Diversey, then east on Diversey. Approximately midway down the block on Diversey, citizens were indicating Mr. ██████ went north through a vacant lot. Ofc. ██████ observed Sgt. ██████ driving east on Diversey. Ofc. ██████ entered Sgt. ██████ vehicle and was dropped off at the alley on Lavergne between Diversey and Wolfram. Ofc. ██████ headed west searching the backyards because he did not know if Mr. ██████ fled east or west after going through the lot. Ofc. ██████ saw an off-duty officer at 5053 W. Wolfram who indicated that Mr. ██████ was in the backyard at 5055 W. Wolfram. Ofc. ██████ heard a shot and saw other officers start to converge on the backyard at 5055 W. Wolfram. Ofc. ██████ entered the backyard at 5055 W. Wolfram with his partner and Officers ██████ and ██████ Ofc. ██████ indicated he located Mr. ██████ in the stairwell to the basement in the backyard of 5055 W. Wolfram. Several officers were giving commands to Mr. ██████ to drop the gun and show his hands. Mr. ██████ exited the stairwell and started heading north in the gangway. Ofc. ██████ heard one shot then a sequence of three to five shots being returned. As the officers entered the gangway, Ofc. ██████ heard them telling Mr. ██████ to drop the gun. When Ofc. ██████ heard officers say Mr. ██████ was down, he entered the gangway. When Ofc. ██████ entered the gangway, he saw the gun near Mr. ██████ hand, Ofc. ██████ retrieved the gun and gave it to Ofc. ██████ Ofc. ██████ attempted to render the gun safe, by clearing the weapon; he saw a shell casing jammed within the gun. Ofc. ██████ was unable to clear the weapon. Ofc. ██████ held onto the weapon until he found a bag

³⁶ Att. #216, 214

and then returned the weapon to Ofc. [REDACTED]. After the incident, he waited to be interviewed by the detectives.

On August 24, 2017, Ofc. [REDACTED] # [REDACTED]³⁷ was interviewed at IPRA. Ofc. [REDACTED] said he was working Beat [REDACTED] alone on July 9, 2017. Ofc. [REDACTED] responded to the [REDACTED] District where the desk sergeant requested a Spanish translator. When he arrived, he met with [REDACTED] and [REDACTED]. [REDACTED] told Ofc. [REDACTED] that she received a call from her daughter-in-law, [REDACTED] saying that [REDACTED] was being held against her will by her son, Mr. [REDACTED]. [REDACTED] stated that Mr. [REDACTED] was walking around with a gun and acting erratically and been up all night. Ofc. [REDACTED] informed [REDACTED] and [REDACTED] that he would meet them at Mr. [REDACTED] residence. When Ofc. [REDACTED] arrived at the residence, he met Ofc. [REDACTED] who also speaks Spanish, and both officers spoke with [REDACTED] and [REDACTED] once they arrived. Officers [REDACTED] and [REDACTED] asked [REDACTED] to contact [REDACTED] by phone to see if she could leave. [REDACTED] informed them that [REDACTED] was on the phone. [REDACTED] and Ofc. [REDACTED] entered the vestibule of the apartment building and [REDACTED] entered the apartment. A short time later, [REDACTED] left the apartment with [REDACTED] and a child. The officers moved the family to the northeast alley to gather more information. [REDACTED] told them that Mr. [REDACTED] was in the apartment with a gun walking back and forth. Ofc. [REDACTED] notified assisting units and called for a sergeant. A short time later, Mr. [REDACTED] stuck his head out of the window and when he saw [REDACTED] and [REDACTED] he became angry and began swearing. [REDACTED] was trying to talk to him to come out and get help. Mr. [REDACTED] moved between windows, sticking his head out to speak with his mother and Ofc. [REDACTED]. Ofc. [REDACTED] stated he had Crisis Intervention Training and was trying to coax Mr. [REDACTED] out of the apartment. Mr. [REDACTED] refused, and became agitated yelling, "There was nothing wrong with me. The hospital doesn't help. Why are you guys here?" Ofc. [REDACTED] crossed to the west side of Leclaire so he could see Mr. [REDACTED] while he was talking to him. While Ofc. [REDACTED] was speaking with Mr. [REDACTED] he could only see him from the waist up, he never saw his hands. Mr. [REDACTED] left the window for a moment and then opened the door to the apartment building. Ofc. [REDACTED] said he saw Mr. [REDACTED] exit the building holding a silver gun with two hands at eye level and that Mr. [REDACTED] subsequently fired one or two rounds in Ofc. [REDACTED] direction. Officer [REDACTED] notified dispatch of shots fired. Mr. [REDACTED] ran north and Ofc. [REDACTED] did not fire at Mr. [REDACTED] because Mr. [REDACTED] family and other officers were on the east side of Leclaire. Ofc. [REDACTED] heard on the radio that Mr. [REDACTED] was doubling back, so he brought the family to his squad car and drove them to a laundromat on Laramie. Ofc. [REDACTED] told them to wait there until everything was secure. Ofc. [REDACTED] returned to the area of Diversey and Leclaire. Ofc. [REDACTED] established himself as part of the perimeter and was monitoring the radio. Ofc. [REDACTED] was monitoring where officers were saying Mr. [REDACTED] was located and he heard 5 or 6 shots. Ofc. [REDACTED] said there was pauses between some the shots, he heard three shots then a hesitation followed by two more. Ofc. [REDACTED] heard officers saying subject down and he held the perimeter.

On August 24, 2017, Ofc. [REDACTED] # [REDACTED]³⁸ was interviewed at IPRA. Ofc. [REDACTED] said he was working Beat [REDACTED] with his partner Ofc. [REDACTED] on July 9, 2017. They arrived at the [REDACTED] as a back-up unit for the possible hostage situation. When they arrived, he saw the family and other officers on scene. Ofc. [REDACTED] was briefed by the officers on scene and then went

³⁷ Att. #195, 221

³⁸ Att. #196, 215

into the alley, north of the building, on the east side of Leclaire. Ofc. ██████ heard officers talking to Mr. ██████ telling him to come out and that they were there to help. A sergeant was called to the scene and Ofc. ██████ positioned himself in the alley, which allowed him to see the rear of the apartment. Ofc. ██████ saw Mr. ██████ come to the rear door of the apartment and close the door. A short time later, Ofc. ██████ heard a shot, screaming, and another shot. Ofc. ██████ could not determine the location of the shots or who fired the shots. Ofc. ██████ heard officers were yelling, but he could not make out what they were yelling. Ofc. ██████ saw someone cross the alley, but could not determine who the person was. Ofc. ██████ heard radio traffic about Mr. ██████ possibly coming back, so he helped shield the family. Then Ofc. ██████ heard radio traffic saying Mr. ██████ was in some backyards north of Diversey, jumping from roof to roof. Later Ofc. ██████ heard three shots in succession. Ofc. ██████ remained at the ██████ crime scene. (Att. 196, 215)

On August 24, 2017 Ofc. ██████ #█████³⁹ was interviewed at IPRA. Ofc. ██████ said he was working Beat ██████ on July 9, 2017. Ofc. ██████ was monitoring radio traffic and responded to the man with a gun call at ██████. When Ofc. ██████ arrived at the scene he parked at the mouth of the alley north of the building on the east side of the street. He saw Ofc. ██████ squad car parked in the street and Sgt. ██████ and Ofc. ██████ in the alley. Ofc. ██████ exited his vehicle and checked in with Sgt. ██████. Ofc. ██████ was informed that Mr. ██████ was in the apartment with a gun refusing to come out. Ofc. ██████ attempted to convince Mr. ██████ to come out of the apartment. Ofc. ██████ saw Mr. ██████ when Mr. ██████ was leaning out of the apartment window. Ofc. ██████ described Mr. ██████ as a young Hispanic male in his twenties wearing a “bluish” shirt. Sgt. ██████ declared a HBT situation. Ofc. ██████ backed his squad car into the alley on the west side of Leclaire to prevent anyone from entering the scene. Once Ofc. ██████ backed into the alley, he could no longer see the apartment or doorway to the apartment. Ofc. ██████ used the building on the west side of the street as cover. Ofc. ██████ heard a gunshot and saw Mr. ██████ running toward Diversey. Ofc. ██████ heard a second gunshot and transmitted over the radio shots fired. Ofc. ██████ informed Sgt. ██████ and Ofc. ██████ that there was the potential for the subject to double back behind them. Ofc. ██████ put his vehicle in gear and pursued Mr. ██████. Ofc. ██████ drove north on Leclaire to Diversey then east on Diversey where he saw a Hispanic woman about mid-block indicating Mr. ██████ went north. Ofc. ██████ went to Lavergne and went north to Wolfram and then west on Wolfram stopping at the corner of Wolfram and Leclaire. Ofc. ██████ exited his squad car and started walking east on Wolfram from Leclaire. Ofc. ██████ heard that a subject was trying to get into a backyard somewhere between 5049 and 5055 W. Wolfram on the radio. Ofc. ██████ and other officers searched the backyards. Mr. ██████ was located. Ofc. ██████ heard officers telling Mr. ██████ to drop the gun and then heard approximately four shots staggered, but in close proximity to each other. Ofc. ██████ entered the gangway area of 5055 W. Wolfram and saw the other officers in the gangway. Ofc. ██████ said Ofc. ██████ searched Mr. ██████. When paramedics arrived, they cut off Mr. ██████ shirt and Ofc. ██████ saw a gunshot wound to the upper body. Ofc. ██████ remained on scene, until interviewed by detectives.

³⁹ Att. 198, 220

On September 28, 2017 Ofc. ██████████ # ██████████⁴⁰ was interviewed at the Civilian Office of Police Accountability (COPA). Ofc. ██████████ was working Beat ██████████ with her partner Ofc. ██████████ on July 9, 2017. They responded to a HBT incident and heard over the radio that there were shots fired at the police. Ofc. ██████████ drove to the area and parked in the alleyway between Diversey and Wolfram. Officers ██████████ and ██████████ exited the squad car and walked west through the alley. In the alley at 5055 W. Wolfram, Ofc. ██████████ put a garbage can on its side and stepped on it to peer into the backyard attempting to locate Mr. ██████████. Ofc. ██████████ determined she would not be able to climb over the fence, so she got down and Ofc. ██████████ climbed on the garbage can. Ofc. ██████████ heard officers yelling but could not remember what they were saying. Ofc. ██████████ heard three shots being discharged. Ofc. ██████████ indicated that she was standing next to Ofc. ██████████ when he discharged his weapon and those were the only shots she heard. After the shots were fired Ofc. ██████████ and Ofc. ██████████ went to LeClaire and to Wolfram. At the front of 5055 W. Wolfram, she saw Mr. ██████████ lying on the ground and an officer handing a gun to Ofc. ██████████.

Involved Officers Statements

On August 3, 2017 Ofc. ██████████ # ██████████⁴¹ was interviewed at IPRA. Ofc. ██████████ said he was working Beat ██████████ alone on July 9, 2017, and was completing an attempted suicide call, when he heard the call of shots fired at and by the police. Ofc. ██████████ headed toward the location and parked on LeClaire and Wolfram. Ofc. ██████████ knew from the radio communications that Mr. ██████████ was armed. Ofc. ██████████ exited his squad car and headed east on Wolfram toward Sgt. ██████████. Sgt. ██████████ indicated Mr. ██████████ was in the backyard at 5055 W. Wolfram. Ofc. ██████████ ran down the gangway between 5055 and 5059 W. Wolfram. When he arrived at the backyard, he noticed Ofc. ██████████. Ofc. ██████████ and Ofc. ██████████ entered the backyard at 5055 W. Wolfram; they climbed a fence and cleared the backyard. When Ofc. ██████████ was in the middle of the backyard, Ofc. ██████████ told him that Mr. ██████████ was in the basement area of 5055 W. Wolfram. Ofc. ██████████ who was giving Mr. ██████████ commands to drop the weapon and come out. Ofc. ██████████ positioned himself at the corner of the building, aiming his weapon in the general direction where he believed Mr. ██████████ was located. At some point, Ofc. ██████████ noticed Ofc. ██████████ was in the backyard next to him, and to Ofc. ██████████ immediate left was Ofc. ██████████. Mr. ██████████ ran out of the stairwell; the officers were yelling for Mr. ██████████ to stop and drop the gun. Mr. ██████████ turned and pointed the gun in the general direction of Ofc. ██████████. Ofc. ██████████ and Ofc. ██████████. Ofc. ██████████ heard a shot; then Ofc. ██████████ discharged his weapon. Ofc. ██████████ attempted to move out of the line of fire. Ofc. ██████████ moved to his left. Ofc. ██████████ twisted his foot on the edge of the concrete and grass and fell backward. An officer asked Ofc. ██████████ if he was all right and if he was shot. Ofc. ██████████ responded that he did not think so and he got up and pursued Mr. ██████████ down the gangway. In addition to the initial shot, Ofc. ██████████ heard his own discharge, and he said he heard one other shot. Ofc. ██████████ saw Mr. ██████████ fall forward; he could not say with certainty whether Mr. ██████████ was searched and whether a gun was recovered. An ambulance was called, and Mr. ██████████ was transported from the scene.

⁴⁰ Att. #217, 231

⁴¹ Att. #171, 205

On August 4, 2017 Ofc. ██████████ # ██████████⁴² was interviewed at IPRA. Ofc. ██████████ stated that he was working Beat ██████████ with his partner Ofc. ██████████ on July 9, 2017. They heard the call of shots fired at the police and shots fired by the police, so they headed toward LeClaire and Diversey. Ofc. ██████████ stated that he was aware that Mr. ██████████ had fired at the police in two separate incidents. Ofc. ██████████ was equipped with a BWC but did not activate it until the middle of the incident. Officers ██████████ and ██████████ responded west on Wolfram from Cicero and parked near the middle of the 5000 W. Wolfram block. They exited their squad car and saw officers near 5047 W. Wolfram heading toward the backyard. Ofc. ██████████ heard on the radio that Mr. ██████████ was in the backyards near that area. Ofc. ██████████ entered the backyard and jumped over the fence into the backyard at 5053 W. Wolfram. When Ofc. ██████████ attempted to jump the fence into 5055 W. Wolfram, he was told by other officers in the backyard not to jump the fence because Mr. ██████████ was in the stairwell with a gun. Ofc. ██████████ attempted to locate Mr. ██████████ by looking through the slots between the fence planks. Ofc. ██████████ heard officers telling Mr. ██████████ to put the gun down, show his hands, and come out. Ofc. ██████████ yelled to Mr. ██████████ to put the gun down. Ofc. ██████████ was not able to see Mr. ██████████ in the stairwell. When Mr. ██████████ came out of the stairwell and started to run north, Ofc. ██████████ saw Mr. ██████████ with a gun in his hand. Mr. ██████████ turned and pointed the gun toward officers in the backyard of 5055 W. Wolfram. Ofc. ██████████ believed Mr. ██████████ fired his weapon, at which time Ofc. ██████████ fired one round from a position between the fence post and the brickwork adjacent to 5053 W. Wolfram. Ofc. ██████████ heard between four and seven rounds being fired. Ofc. ██████████ could not tell where the other rounds were fired from. Ofc. ██████████ believed the round discharged from Mr. ██████████ struck the brick/siding on the side of 5053 W. Wolfram. Ofc. ██████████ saw Mr. ██████████ fall and he and other officers were telling him to drop the gun because it appeared ██████████ was trying to reach for the gun. Ofc. ██████████ jumped over the fence, between 5053 and 5055 W. Wolfram, entered the gangway, and saw the weapon Mr. ██████████ had previously been holding recovered by an officer. An ambulance arrived for Mr. ██████████

On August 4, 2017 Sergeant ██████████ # ██████████⁴³ was interviewed at IPRA. Sgt. ██████████ said he was working Beat ██████████ which is the ██████████ Supervisor, on July 9, 2017. Sgt. ██████████ responded to a request from Beat ██████████ for a supervisor at ██████████. When Sgt. ██████████ arrived, Ofc. ██████████ told him that Mr. ██████████ was in the residence holding his wife and child hostage and that Mr. ██████████ was armed with a handgun. Sgt. ██████████ also learned that Mr. ██████████ had released his wife and child after the police arrived. Sgt. ██████████ observed the officers in the alley along with civilians including a woman identified as Mr. ██████████ wife, ██████████. Sgt. ██████████ stated that Ofc. ██████████ engaged Mr. ██████████ in conversation telling him to come out and go to the hospital for an evaluation, but Mr. ██████████ refused. Ofc. ██████████ attempted to introduce Sgt. ██████████ to Mr. ██████████ to let him know a supervisor was on scene. Mr. ██████████ still refused to come out. Sgt. ██████████ made the decision to call for SWAT for a HBT situation. Once SWAT was called, officers took positions west of the residence and Sgt. ██████████ moved the civilians deeper into the alley to expand the perimeter for SWAT. As Sgt. ██████████ was re-establishing the perimeter in the alley, he heard a shot. The officers on the west side of the building were yelling, "he's shooting" or "he's shooting at us." Sgt. ██████████ saw Mr. ██████████ running north on LeClaire across the opening of the alley with the gun in his hand. Sgt. ██████████ said Mr. ██████████ looked down the alley toward him and the family. Sgt. ██████████ fired one round at Mr. ██████████ as Mr.

⁴² Att. 173, 191

⁴³ Att. #174, 189

████████ ran north. Sgt. ██████████ started to pursue Mr. ██████████ running west near the sidewalk and taking cover behind a parked vehicle. Sgt. ██████████ could no longer see Mr. ██████████. Sgt. ██████████ made sure the officers on scene were alright and a short time later he started to establish a crime scene and awaited his supervisor.

On August 7, 2017 Ofc. ██████████ #████████⁴⁴ was interviewed at IPRA. Ofc. ██████████ was working Beat ██████████ as part of the tactical unit with his partner Ofc. ██████████ on July 9, 2017. They responded to the call of shots fired at and by the police. They arrived and parked in the alley between Diversey and Wolfram at the 5000 block. They started a systematic search for Mr. ██████████ starting west through the alley and going into various backyards. During the search, Ofc. ██████████ heard between two and five shots. Ofc. ██████████ did not know who fired the shots. When Ofc. ██████████ entered the backyard at 5053 W. Wolfram, he observed Mr. ██████████ through the openings in the fence at the rear stairwell of 5055 W. Wolfram. Ofc. ██████████ left the backyard at 5053 W. Wolfram and went into the alley to enter the backyard of 5055 W. Wolfram. Ofc. ██████████ was unable to enter the backyard through the gate, so he attempted to use a garbage can to climb over the fence. The garbage could not hold his weight, so he placed the can on its side and was attempting to climb over the fence when he saw Mr. ██████████ exit the stairwell at the rear of 5055 W. Wolfram with a silver handgun in his hand. Ofc. ██████████ gave Mr. ██████████ several verbal commands to drop the gun. Ofc. ██████████ said Mr. ██████████ turned toward him, extended his arm, pointed the gun at him and “saw his finger continuously attempt to pull the trigger.” Ofc. ██████████ fired one round and saw blood on Mr. ██████████ chest area. Mr. ██████████ moved forward, went down to the ground, and pointed the gun at Ofc. ██████████. Ofc. ██████████ then fired two successive rounds at Mr. ██████████. Ofc. ██████████ said he only heard the three total rounds he discharged. The officers he saw in the backyard started to converge on Mr. ██████████. Ofc. ██████████ holstered his weapon and ran down LeClaire to the front of 5055 W. Wolfram where Mr. ██████████ was located. An ambulance was called for Mr. ██████████. Ofc. ██████████ turned off his phone and waited to be interviewed.

On August 23, 2017, **Sergeant** ██████████ #████████⁴⁵ was interviewed at IPRA. Sgt. ██████████ was working Beat ██████████ as a tactical sergeant supervisor on July 9, 2017. Sgt. ██████████ was monitoring the radio and heard the request for a supervisor at ██████████ Avenue. A short time later, Sgt. ██████████ called a HBT incident. Sgt. ██████████ was responding to the HBT incident in the 2700 block of LeClaire when he heard over the radio that Mr. ██████████ had fled the area and was in the area north of Diversey. Sgt. ██████████ had heard that Mr. ██████████ was armed and had discharged his firearm at the police. When Sgt. ██████████ arrived, he parked, at approximately 5040 W. Wolfram, exited the vehicle, and walked west on Wolfram. When Sgt. ██████████ arrived at 5053-5055, he saw officers in the backyard indicating that Mr. ██████████ was in an area in the rear of 5055 W. Wolfram. Officers in the yard were telling Mr. ██████████ to drop the gun and come out. Mr. ██████████ came out of the area he was hiding in and entered the gangway moving north toward Sgt. ██████████ with a pistol in his hand. Mr. ██████████ turned toward the officers in the backyard and raised a firearm in their direction. Mr. ██████████ continued toward Sgt. ██████████ and pointed the weapon at Sgt. ██████████. Sgt. ██████████ told him to stop. However, Mr. ██████████ continued toward him and Sgt. ██████████ fired one round, then sought cover behind the front of the residence at 5053 W. Wolfram. Sgt. ██████████ then heard approximately three to four gunshots. Sgt. ██████████ heard officers say that Mr. ██████████ was down and in custody. When Sgt. ██████████ moved toward the gangway he saw that

⁴⁴ Att. #175, 190

⁴⁵ Att. #197, 219

Ofc. ██████ had Mr. ██████ weapon. An ambulance was called, and Mr. ██████ was transported to the hospital. Sgt. ██████ remained in his vehicle until he spoke with the Deputy.

b. Digital Evidence

Third-Party Videos

██████ ██████⁴⁶ Facebook live footage captures police movement in the area of 5055 W Wolfram. The audio captures police commands and other police communication and what appears to be the sound of five shots being fired.

████████████████████⁴⁷ A video posted to Facebook shows police cars in the area of Laramie and Wolfram; the audio captures voices in the background and what appears to be the sound of five shots being fired.

████████████████████⁴⁸ Home security video shows police activity at Leclair and Wolfram.

████████████████████⁴⁹ Security camera facing north shows officers arriving at the address, the family arriving on scene, the family exiting the residence, Mr. ██████ leaving the residence holding an object in his hand,⁵⁰ and the police activity after Mr. ██████ left.

████████████████████⁵¹ Security camera facing south shows officers arriving at the address, the family arriving on scene, the family exiting the residence, Mr. ██████ leaving the residence and the police activity after he left.

████████████████████⁵² Security camera shows Mr. ██████ running east on Diversey, turn, and running north through a vacant lot.

████████████████████⁵³ This address had three security cameras. Security camera three shows Mr. ██████ running east on Diversey; camera two shows Mr. ██████ running west in the alley between Diversey and Wolfram. Camera one does not show Mr. ██████

████████████████████⁵⁴ This address had four security cameras. Security camera one showed Mr. ██████ running east on Diversey, attempting to enter a building on Diversey, and continuing east; the second camera does not show Mr. ██████. The third camera shows Mr. ██████ climbing

⁴⁶ Att. #92

⁴⁷ *Id.*

⁴⁸ Att. #91

⁴⁹ Att. #89

⁵⁰ The video quality does not allow the object to be definitively identified as a firearm, but it is clear Mr. ██████ is holding something.

⁵¹ *Id.*

⁵² Att. #88

⁵³ Att. #87

⁵⁴ Att. #136

the stairs to a building in a backyard on Wolfram, and the fourth camera showed Mr. [REDACTED] running east on Diversey.

In-car Camera⁵⁵ and Body Worn Cameras

Beat [REDACTED] Officer [REDACTED] in-car camera audio includes what sounds like officers yelling commands and the sound of what sounds like six shots being fired.

Beat [REDACTED] Officer [REDACTED] in-car camera audio contains information about the original call of a hostage situation and request for back-up at 2719 N. Leclaire. The video at [REDACTED] shows the officer taking notes, ducking for cover, the vehicle moving from the first scene located at [REDACTED] to the second scene at the intersection of Leclaire and Diversey. The audio from Leclaire and Diversey has the sounds of yelling in the distance, the sound of what appears to be five shots being fired, the request for EMS, and conversations with members of the Chicago Fire Department and other members of Chicago Police Department.

Beat [REDACTED] Officer [REDACTED] and Officer [REDACTED] in-car camera contains the response to the call, the arrival, the audio of what sounds like shots fired shots fired.

Beat [REDACTED] Officer [REDACTED] and Officer [REDACTED] in-car camera shows the response to the area of 5055 W. Wolfram where the squad was parked and remained stationary for the duration of the incident.

Beat [REDACTED] Sergeant [REDACTED] in-car camera which only contains video showed the Sergeant [REDACTED] arrival in the east alley between Parker and Diversey. Sergeant [REDACTED] appears to be speaking with Officers [REDACTED] and [REDACTED] Sergeant [REDACTED] moves to what appears to be the opening of the alley and stops with a group of people. It appears Sergeant [REDACTED] moves the people ([REDACTED] family) back, Sergeant [REDACTED] reacts to something, move east in the alley, motions for the other people to move back, Sergeant [REDACTED] seeks cover by a fence, and as an individual crossed the opening of the alley, he discharges his weapon and moves forward to check near the opening of the alley in the direction he discharged his weapon.

Beat [REDACTED] Officer [REDACTED] in-car camera captures the arrival at [REDACTED] the officers speaking with each other, the officers ([REDACTED] taking cover, the discharge of the weapon at [REDACTED] the search for the offender as Officer [REDACTED] drove in the area and stopped to reposition his squad.

Beat [REDACTED] Officer [REDACTED] and [REDACTED] In-car camera shows the officer's arrival at the scene near 5055 W. Wolfram, the video showed a man (believed to be [REDACTED] videotaping the scene with his phone, the audio picks up the shots fired, the call for EMS, and the video shows the crime scene set up.

⁵⁵ In-car camera videos are included in Attachment 145.

Officer ██████⁵⁶ Body camera footage starts after the shots were fired at 5055 W. Wolfram; it was turned off and restarted later and captures Lieutenant ██████ gathering the officers involved in the incident.

Officer ██████⁵⁷ Body camera video starts after Mr. ██████ was in custody and continues until Lieutenant ██████ assembled the involved officers.

Officer ██████⁵⁸ Body camera video shows Officer ██████ arrival; the audio captures the shots fired, and the establishment of the crime scene.

Officer ██████⁵⁹ Body camera video shows Officer ██████ arrival; the audio captured the shots fired, and the establishment of the crime scene.

Office of Emergency Management and Communications (OEMC) 911 Calls and Radio Transmissions

OEMC received a 911 call, at 11:26:36, advising that a man was in the backyard with a gun (address redacted). Caller stated he just ran in the backyard with a gun in his hand. Caller described the person as a Hispanic male, medium height, short hair wearing a tank top and shorts.⁶⁰

COPA also obtained the OEMC radio transmissions between officers on scene and dispatch. These communications indicate that officers on scene observed the subject, heard him fire his weapon, knew him to be armed, and followed his movements as he fled.⁶¹

c. Physical Evidence

Illinois State Police (ISP) Forensic Laboratory Report

The ISP laboratory report case # ██████ lists the items submitted for fingerprint analysis, which did not reveal any latent prints suitable for comparison.⁶²

The ISP laboratory report case # ██████ lists the items submitted for firearms examination. The .45 caliber bullet recovered from the aluminum fencepost, at approximately 2758 N. Leclair, was fired from Sgt. ██████ weapon. The fired bullet recovered from Mr. ██████ body was .45 caliber; it could not be identified or eliminated as coming from Ofc. ██████ weapon. Ofc. ██████ was the only one firing a .45 caliber weapon with eight polygonal lands and grooves. The three bullet fragments removed from Mr. ██████ exhibited polygonal rifling but could not be attributed to or eliminated from any of the Glock firearms fired. The fired bullet recovered in the wooden fence post in the backyard at 5055 W. Wolfram was .40 caliber. It could not be identified or eliminated as being fired from Ofc. ██████ weapon. Ofc. ██████ was the only one who fired a .40

⁵⁶ Att. #145

⁵⁷ *Id.*

⁵⁸ Att. #206

⁵⁹ *Id.*

⁶⁰ Att. #90

⁶¹ *Id.* The transcription was created by COPA from the audio recording.

⁶² Att. #222

caliber weapon. The two-lead fragment located in the gangway, between 5055 and 5053 Wolfram, could not be identified as being fired from any weapon. The Winchester 9mm +P shell casing recovered from the frontyard, between 5053 and 5055 Wolfram, was fired from Sgt. [REDACTED] weapon. The .45 caliber shell casing recovered, from the backyard at 5053 Wolfram, was fired from Ofc. [REDACTED] weapon. One fired bullet fragment recovered, in the backyard at 5055 Wolfram could not be identified as being fired from any weapon. A bullet fragment recovered, in the backyard at 5055 Wolfram could have been fired from any of the Glock firearms. Three bullet fragments recovered, in the gangway between 5053 and 5055 Wolfram could have been fired from any of the Glock firearms. The three Winchester .40 Smith and Wesson caliber casings recovered in the alley behind 5055 Wolfram, were fired from Ofc. [REDACTED] weapon. The fired Winchester .45 caliber shell casing recovered from the alley adjacent to [REDACTED] was fired from Sgt. [REDACTED] weapon.⁶³

The ISP laboratory report case # [REDACTED] lists the items submitted pertaining to the Bersa .380 recovered from Mr. [REDACTED]. The spring and the pieces of plastic recovered from the gangway between 5047 and 5049 W, Wolfram appear to be parts of a firearm magazine. The Bersa .380 submitted was inoperable at the time of submission. The Bersa was rendered operable and test fired. The shell casing recovered from the breach and the one recovered in front of [REDACTED] were fired from the Bersa.⁶⁴

d. Documentary Evidence

Tactical Response Reports (TRRs) and Officer Battery Reports (OBRs)

Sergeant [REDACTED]⁶⁵ reported Mr. [REDACTED] shot at a police officer. Sgt. [REDACTED] discharged his weapon once at Mr. [REDACTED]

Officer [REDACTED]⁶⁶ reported Mr. [REDACTED] pointed a weapon in his and other officers' direction. Ofc. [REDACTED] discharged his weapon once at Mr. [REDACTED]

Officer [REDACTED]⁶⁷ reported Mr. [REDACTED] pointed a weapon in his direction. Ofc. [REDACTED] Jr. heard a weapon discharge. Ofc. [REDACTED] Jr. discharged his weapon once at Mr. [REDACTED]

Sergeant [REDACTED]⁶⁸ reported Mr. [REDACTED] ran toward him pointing a weapon. Sgt. [REDACTED] discharged his weapon once at Mr. [REDACTED]

Sergeant [REDACTED]⁶⁹ reported Mr. [REDACTED] fired one round from a handgun at her.

⁶³ Att. #229

⁶⁴ Att. #230

⁶⁵ Att. #38, 39

⁶⁶ Att. #40, 41

⁶⁷ Att. #42, 43

⁶⁸ Att. #44, 45

⁶⁹ Att. #46, 47

evidence. Mr. [REDACTED] was fingerprinted, and a gun-shot residue test performed on him. Detectives interviewed family members which included: [REDACTED] and [REDACTED]

[REDACTED] Mr. [REDACTED] wife, informed detectives of the following: She and her husband were separated. During the week of July 4, 2017, Mr. [REDACTED] was told he could not live at his mother's house any longer. Mr. [REDACTED] asked [REDACTED] to allow him to stay with her. [REDACTED] agreed to allow him to stay for a night, [REDACTED] remained at the residence until the July 9, 2018 incident. On July 8, 2017, Ms. [REDACTED] received a call from Mr. [REDACTED] asking her to pick him up. Mr. [REDACTED] inferred he was going to commit suicide. [REDACTED] said he was talking about committing suicide for a month. [REDACTED] picked Mr. [REDACTED] up, and they went to the apartment at [REDACTED]. In the apartment, throughout the evening, [REDACTED] said Mr. [REDACTED] pointed a gun to his temple and heart and placed a gun in his mouth. At approximately 9:00 a.m., Mr. [REDACTED] started writing goodbye letters to family members. [REDACTED] contacted Mr. [REDACTED] mother, [REDACTED] a short time after [REDACTED] arrived at [REDACTED] her son [REDACTED] and [REDACTED] left the apartment with the police. When Mr. [REDACTED] discovered the police were there, [REDACTED] heard some exchange between Mr. [REDACTED] and the police. While in the alley adjacent to her apartment, she heard a shot, and moments later, two more shots; she hid behind a police car with her son. [REDACTED] along with her son and in-laws, were driven about a block away, and did not hear anything as they slowly walked toward LeClaire and Diversey. After being informed of her husband's death, [REDACTED] declined to give a statement to IPRA.⁷⁶

The detective supplemental report under [REDACTED] labeled as field investigation progress report (13 pages) identified and collected the video and described the segments of the videos relevant to the investigation.⁷⁷

Crime Scene Processing Reports

Report number [REDACTED] indicated the collection of seven biological swabs from seven weapons, seven expended shell casings,⁷⁸ Glock Model 22 with magazine, and 13 rounds of ammunition, Ruger Model P89 with magazine and 15 rounds of ammunition, Springfield Model XD with magazine and 13 rounds of ammunition, Glock Model 19 with magazine and 15 rounds of ammunition, Glock Model 19 with magazine and two rounds of ammunition,⁷⁹ Glock Model 21 with magazine and 13 rounds of ammunition, Bersa Model 83 with magazine, seven metal fragments, a red and black tank top, short sleeve blue t-shirt, two .380 caliber bullets, stainless steel spring, two pieces of black plastic, green disposable lighter, 16 blood swabs, clothing tag, fired bullet, CPD firearms evidence envelope recovered at Area North, and three handwritten notes.⁸⁰

⁷⁶ Att. #227

⁷⁷ Att. #228

⁷⁸ The crime scene processing report does not include the shell casing recovered from the backyard at 5053 W. Wolfram that was submitted to the ISP lab.

⁷⁹ This appears to be an error. The weapon was retrieved from the officer at the area where the weapon was unloaded. The weapon had a live round in the chamber and when the magazine was unloaded it contained 15 rounds.

⁸⁰ Att. #68

Report number [REDACTED] corrected an inventory number from report [REDACTED]⁸¹

Report number [REDACTED] indicated a recovered aluminum fence post with apparent bullet damage and a bullet recovered at the base. Photographs of the damaged fence and bullet were taken.⁸²

Report number [REDACTED] indicated a sealed envelope marked blood, a sealed box containing a buccal swab, a pair of black shoes, a pair of white ankle socks, teal drawstring shorts, blue boxer briefs, a sealed envelope containing metal projectile extracted from Mr. [REDACTED] body, and a sealed envelope containing metal fragments extracted from Mr. [REDACTED] received from Dr. [REDACTED] at the Medical Examiner's office.⁸³

Report number [REDACTED] indicated that a gunshot residue evidence collection kit⁸⁴ was collected at Community First Hospital from Mr. [REDACTED]⁸⁵

Crime Scene Photographs

The crime scene photographs depict the scenes in the aftermath of the incident. They identify the street locations and overview of the area. The photographs are from several angles to allow an overview of the two scenes. The photographs depict a closer view of the items marked as evidence referenced to their general locations. The photographs depict the items collected as potential pieces of evidence, which includes, but is not limited to, a shell casing in front of [REDACTED] a shell casing in the alleyway between Diversey and Parker east of Leclaire, a bullet retrieved from a fencepost approximately 30 feet north of the alley between Diversey and Parker on the west side of Leclaire, shell casings in the alley between Diversey and Wolfram at approximately 5055, shell casings in the backyard at 5055 W. Wolfram, a shell casing in the backyard at 5053 W. Wolfram, bullet fragments in the gangway between 5053 and 5055 W. Wolfram, a bullet lodged in a wooden fence post in the rear of 5055 W. Wolfram, two live .380 rounds recovered in the gangway between 5047 and 5053 W. Wolfram, and a black plastic piece and metal piece located in the gangway between 5051 and 5053 W. Wolfram.⁸⁶

VI. ANALYSIS

1. Use of Deadly Force

The applicable Chicago Police Department directive is General Order is,⁸⁷ which states that a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

⁸¹ Att. #69

⁸² Att. #70

⁸³ Att. #71

⁸⁴ No ISP Report was identified with GSR results

⁸⁵ Att. #72

⁸⁶ Att. #134

⁸⁷ This report references the version of General Order 03-02-03 in effect on July 9, 2017.

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

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 affect 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...

720 ILCS 5/7-5 (1986).

Finally, determinations regarding the potential use of excessive force 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 officer's 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). The following factors are instructive in making the determination of whether an officer's use of force is reasonable: (1) "the severity of the crime at issue;" (2) "whether the suspect poses an immediate threat to the safety of the officers or others;" and (3) "whether he is actively resisting arrest or attempting to evade arrest by flight." *Graham*, 490 U.S. at 396 (citing *Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985)). This reasonableness calculation "must embody allowance for the fact that police officers are often forced to make split second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham*, 490 U.S. at 396-97. 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, 383 (7th Cir. 2002) (quoting *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir. 1988) (*en banc*) (omitting emphasis)).

2. Preponderance of the Evidence

The applicable standard of proof is a preponderance of the evidence. A preponderance of evidence can be described as evidence that makes it more likely than not that the conduct complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the standard of proof has been met.

Sergeant [REDACTED]

There is a preponderance of evidence demonstrating that Sgt. [REDACTED] use of deadly force was objectively reasonable. Sgt. [REDACTED] was forced to make a split-second judgment—in circumstances that were tense, uncertain, and rapidly evolving—about the amount of force that was necessary.

First, Sgt. [REDACTED] preexisting knowledge about Mr. [REDACTED] conduct and behavior would lead a reasonable officer to conclude that Mr. [REDACTED] was extremely dangerous. At the time that Sgt. [REDACTED] discharged his weapon at Mr. [REDACTED] Sgt. [REDACTED] had reason to believe that Mr. [REDACTED] had held his wife and child against their will while armed with a handgun. Mr. [REDACTED] actions demonstrated an intent to use the threat of violence against his own family. Additionally, Sgt. [REDACTED] observed Mr. [REDACTED] unstable demeanor during Ofc. [REDACTED] negotiations with Mr. [REDACTED] to come out of the apartment.

Second, Sgt. [REDACTED] heard a gunshot and then other officers yelling “he’s shooting” or “he’s shooting at us.” Although Sgt. [REDACTED] did not personally observe Mr. [REDACTED] discharge his firearm, a reasonable officer would rely on the representations of his fellow officers at the scene especially when the information provided was corroborated in part by (1) hearing the gunshot and shortly thereafter personally observing the suspect fleeing with a firearm in his hand;⁸⁸ and (2) Mr. [REDACTED] prior conduct and the nature of the call.⁸⁹

⁸⁸ The investigation has clearly demonstrated that Mr. [REDACTED] possessed and brandished the Bersa model 83 handgun recovered near his body after the incident. Numerous officers stated they observed Mr. [REDACTED] with a silver/chrome firearm and their statements were corroborated by multiple independent civilian witnesses. Furthermore, the video recording from 2740 N. Leclair shows Mr. [REDACTED] outside of the residence with an object in his hand.

⁸⁹ All available evidence including forensic analysis of the .380 shell casing recovered on the sidewalk in front of the entry way of [REDACTED] and the independent testimony of [REDACTED] demonstrates that Mr. [REDACTED] fired his firearm shortly after exiting the residence. There is a factual dispute between Officers [REDACTED] and [REDACTED] and [REDACTED] regarding whether Mr. [REDACTED] fired his weapon into the air or in the direction of Officers [REDACTED] and [REDACTED]. However, it is undisputed that Sgt. [REDACTED] did not personally observe Mr. [REDACTED] discharge his firearm and therefore it is not a fact or circumstance that may be considered in the objective reasonableness analysis of his use of deadly force. The relevant inquiry is whether based on the facts and circumstances known to Sgt. [REDACTED] at the time he discharged his or her firearm, the use of deadly force was objectively reasonable. As explained above, this investigation has demonstrated that Sgt. [REDACTED] use of deadly force was objectively reasonable based on the information available to him.

A reasonable officer would conclude under these circumstances that Mr. ██████ had committed a forcible a felony, was attempting to escape by use of a deadly weapon, and would endanger human life or inflict great bodily harm unless he was arrested without delay.⁹⁰ Furthermore, a reasonable officer would conclude that deadly force was the only reasonable option to ensure Mr. ██████ immediate arrest as Mr. ██████ was running away with a gun.⁹¹ Illinois and federal courts have found the use of deadly force against fleeing suspects reasonable under much less dire circumstances.⁹² For these reasons, Sgt. ██████ was within Department policy when he discharged his weapon one time at Mr. ██████

Sergeant ██████

There is a preponderance of evidence demonstrating that Sgt. ██████ decision to fire one round at Mr. ██████ in the gangway between 5053 and 5055 W. Wolfram was objectively reasonable. At the time Sgt. ██████ fired upon Mr. ██████ he had received information indicating that Mr. ██████ had discharged his firearm at the police. A reasonable officer would rely on the representations of his fellow officers and conclude that Mr. ██████ was extremely dangerous and was likely to use deadly force again.

Furthermore, Sgt. ██████ personally observed Mr. ██████ holding a firearm and turning and pointing it behind him towards the backyard at 5053 W. Wolfram where he reasonably believed other officers were located based on him hearing multiple officers yelling verbal commands at Mr. ██████ to drop the gun. Sgt. ██████ recollection of Mr. ██████ pointing a gun towards the backyard is supported by Officers ██████ and ██████ who all stated that Mr. ██████ turned and pointed a gun in their general direction. Sgt. ██████ stated that Mr. ██████ then continued heading in his direction and pointed his firearm at him.⁹³ A

⁹⁰ Because Sergeant ██████ use of force was clearly justified under the second prong of General Order 03-02-03 (III), COPA will not address whether Mr. ██████ reasonably appeared to pose an imminent threat of death or great bodily harm. The Department subsequently modified their use of deadly force policy.

⁹¹ Although not expressly outlined by Department policy, the Fourth Amendment requires an officer provide a warning prior to using deadly force, if feasible. *Tenn. v. Garner*, 471 U.S. 1, 12-13 (1985). Sgt. ██████ stated he discharged his firearm immediately following hearing the gunshot and observing Mr. ██████ running northbound. Sgt. ██████ stated he did not provide any commands to Mr. ██████ prior to discharging his firearm. However, under circumstances, providing a warning to Mr. ██████ was not feasible or practical particularly when Officer ██████ had already previously attempted to negotiate a peaceful end of the encounter with Mr. ██████. Indeed, Sgt. ██████ lost sight of Mr. ██████ and Mr. ██████ initially, did escape police custody.

⁹² See, e.g., *Simmons v. City of Chicago*, 118 Ill. App. 3d 676, 683 (1st Dist. 1983) (holding that officer was justified in shooting at an escaping robbery suspect because the suspect was believed to be armed and the suspect refused to stop running despite the officer's warning); *LaMonte v. City of Belleville*, 41 Ill. App. 3d 697 (5th Dist. 1976) (finding that a police officer acted reasonably in shooting a suspect where he reasonably believed the suspect had committed a robbery and he ran away from the officer despite an order to stop even when the subject having already been disarmed); *Klein*, 847 F.2d 368 (7th Cir. 1988) (finding that the officers were justified in using deadly force when a suspect they reasonably believed committed a burglary was fleeing in a vehicle)

⁹³ Sgt. ██████ assertion that Mr. ██████ subsequently pointed the firearm back in his direction was not corroborated by the other officers' statements. However, the officers at or near 5053 W. Wolfram had different perspectives of the incident which unfolded in a chaotic and rapid fashion. Any inconsistency on exactly where Mr. ██████ was pointing his firearm at the exact moment Sgt. ██████ discharged his firearm is not material to COPA's finding because the evidence clearly establishes, at a minimum, Mr. ██████ was pointing a firearm at officers in or near the backyard of 5053 W. Wolfram and therefore the use of deadly force was justifiable. Sgt. ██████ specifically stated that he assumed Mr. ██████ was pointing his firearm at officers in the at or near the backyard of 5053 W. Wolfram when he turned and extended his right arm while holding the firearm. Sgt. ██████ assumption was reasonable under the

Bersa .380 handgun was recovered from Mr. [REDACTED] and the fact that Mr. [REDACTED] possessed a firearm was corroborated by a number of independent civilian witnesses and video footage. Under the circumstances faced by Sgt. [REDACTED] it was objectively to conclude that that the use of deadly force was necessary to prevent death or great bodily harm to himself and others.⁹⁴ Therefore, Sgt. [REDACTED] was within Department policy when he discharged his firearm one time at Mr. [REDACTED]

Officer [REDACTED]

There is a preponderance of the evidence demonstrating that Ofc. [REDACTED] decision to discharge his weapon one time at Mr. [REDACTED] was objectively reasonable. Ofc. [REDACTED] responded to radio traffic indicating there were shots fired at and by the police in the area of 5000 W. Wolfram and that Mr. [REDACTED] was in that area. Ofc. [REDACTED] indicated that he had received information that Mr. [REDACTED] had fired at the police on two separate occasions. A reasonable officer would rely on the representations of his fellow officers and conclude that Mr. [REDACTED] was extremely dangerous and would likely use deadly force again.

While in the backyard at 5053 W. Wolfram, Ofc. [REDACTED] and other officers gave Mr. [REDACTED] commands to drop the weapon and to come out with his hands up. When Mr. [REDACTED] entered the gangway between 5053 and 5055 W. Wolfram, Ofc. [REDACTED] saw Mr. [REDACTED] point the gun in the direction of the officers in the backyard and at himself. In response, Ofc. [REDACTED] fired one round from an opening between a fence post and the residence at 5053 W. Wolfram. Ofc. [REDACTED] account of the moments before he discharged his weapon is credible and supported by the statements of other officers. The body-worn camera footage shows Officer [REDACTED] discharging his weapon, albeit during the buffering mode, and the aftermath and the recovery of the weapon in the gangway between 5053 and 5055 W. Wolfram. Under the circumstances faced by Ofc. [REDACTED] it was objectively reasonable to conclude that the use of deadly force was necessary to prevent death or great bodily harm to himself and others.⁹⁵ Therefore, Ofc. [REDACTED] was within Department policy when he discharged his firearm one time at Mr. [REDACTED]

Officer [REDACTED]

There is a preponderance of the evidence demonstrating that Ofc. [REDACTED] to decision to discharge his firearm once at Mr. [REDACTED] was objectively reasonable. Ofc. [REDACTED] responded to radio traffic indicating there were shots fired at and by the police and the suspect was pursued into the area of Wolfram and Leclair. A reasonable officer would rely on the representations of his fellow officers and conclude that Mr. [REDACTED] was extremely dangerous and would likely use deadly force again.

While in the backyard at 5053 W. Wolfram, Ofc. [REDACTED] and other officers gave Mr. [REDACTED] commands to drop the weapon and to come out with his hands up. Mr. [REDACTED] did not comply with the verbal commands. When Mr. [REDACTED] entered the gangway between 5053 and

circumstances. Moreover, Sgt. [REDACTED] was not required to wait for Mr. [REDACTED] to point the firearm at him when Mr. [REDACTED] refused verbal commands to drop the gun and Sgt. [REDACTED] reasonably believed that Mr. [REDACTED] had previously fired at the police.

⁹⁴ Sgt. [REDACTED] use of deadly force was also justified under General Order 03-02-03, III (2).

⁹⁵ Ofc. [REDACTED] use of deadly force was also justified under General Order 03-02-03, III (2).

5055 W. Wolfram, Ofc. ██████ saw him point a gun in the direction of the officers in the backyard and potentially at himself. Ofc. ██████ fired one round while moving to his left seeking cover from the line of fire from Mr. ██████ Ofc. ██████ account of the moments before he discharged his weapon is credible and supported by the other officers' statements. Under the circumstances faced by Ofc. ██████ Jr., it was objectively reasonable to conclude that the use of deadly force was necessary to prevent death or great bodily harm to himself and others.⁹⁶ Therefore, Ofc. ██████ was within Department policy when he discharged his firearm one time at Mr. ██████

Officer ██████

There is a preponderance of the evidence demonstrating that Ofc. ██████ decision to discharge his firearm three times at Mr. ██████ was objectively reasonable. Ofc. ██████ responded to a call of shots fired at the police and by the police. A reasonable officer would rely on the representations of his fellow officers and conclude that Mr. ██████ was extremely dangerous and would likely use deadly force again.

In the alley between Diversey and Wolfram, Ofc. ██████ conducted a systematic search of the backyards from 5000 to 5055 W. Wolfram to locate Mr. ██████ and heard between 2 to 5 shots. When Ofc. ██████ entered the backyard at 5053 W. Wolfram, Ofc. ██████ looked between the slats of the fence and saw Mr. ██████ in the stairwell of 5055 W. Wolfram. Ofc. ██████ exited the backyard at 5053 W. Wolfram via the rear gate and attempted to enter the backyard at 5055 W. Wolfram through the rear gate but was unable to gain entry. Ofc. ██████ stood on a trash can that he placed on its side to assist in climbing the fence and had started to climb over the fence when Mr. ██████ came out of the stairwell, pointed the gun at him, and pressed the trigger several times.⁹⁷ Ofc. ██████ fired one round in response. Mr. ██████ continued north, turned and pointed the gun at Ofc. ██████ and Ofc. ██████ discharged two rounds in rapid succession in response. Ofc. ██████ account of the moments before he discharged his weapon is credible and supported by the other officers' statements. Under the circumstances faced by Ofc. ██████ it was objectively reasonable to conclude that the use of deadly force was necessary to prevent death or great bodily harm to himself and others.⁹⁸ Therefore, Ofc. ██████ was within Department policy when he discharged his firearm three times at Mr. ██████

⁹⁶ Ofc. ██████ use of deadly force was also justified under General Order 03-02-03, III (2).

⁹⁷ Ofc. ██████ assertion that Mr. ██████ pulled the trigger, but that Mr. ██████ firearm did not discharge is credible and supported by the physical evidence. The weapon recovered from Mr. ██████ was inoperable because the shell casing was inverted in the firing chamber. Ofc. ██████ also specifically stated that he noticed that the firearm was jammed with a shell casing when he cleared it. However, the forensic evidence including recovered shell casings demonstrate Mr. ██████ firearm was operable during the earlier portions of the incident.

⁹⁸ Ofc. ██████ use of deadly force was also justified under General Order 03-02-03, III (2).

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer [REDACTED]	N/A	Within Policy
Sergeant [REDACTED]	N/A	Within Policy
Officer [REDACTED]	N/A	Within Policy
Officer [REDACTED]	N/A	Within Policy
Officer [REDACTED]	N/A	Within Policy
Officer [REDACTED]	N/A	Within Policy

VIII. Training Recommendation

While there were no allegations brought in this investigation, the Department should consider re-training all the involved officers on Special Order S03-14 Body Worn Camera Policy, in order to ensure full compliance.

Approved:

[REDACTED]

June 28, 2019

 Sydney Roberts
 Chief Administrator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Major Case Specialist:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Andrea Kersten