

**TO:** Sharon R. Fairley, Chief Administrator  
**FROM:** James Lukas, Investigator  
Mark Grba, Interim First Deputy Chief Administrator  
**DATE:** August 23, 2017  
**REFERENCE:** Log# 1080064, U#16-05, RD#s [REDACTED] & [REDACTED]

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**INCIDENT**

**DATE/TIME:** April 11, 2016, at approximately 7:43 p.m.

**LOCATION:** [REDACTED] W. Grenshaw St. – Backyard

**INVOLVED**

**OFFICER:** Hitz, Sean; Star #6272; Employee # [REDACTED]; Unit 011; White Male; On-Duty & In Uniform; Beat 1135; CPD Start Date: 18 February 2014

**WEAPON:** Glock Model 17, 9mm semi-automatic pistol; Serial # [REDACTED]; City Registration # [REDACTED]; FOID # [REDACTED]; WIN 9mm Luger +P ammunition; 16 live rounds recovered from pistol (15 Magazine & 1 in the Chamber); Weapon capacity of 18 rounds (17+1); Fired two (2) times.

**INJURIES:** None reported

**WITNESS**

**OFFICER:** Riordan, Jeffrey; Star #7712; Employee # [REDACTED]; Unit 011; White Male; On-Duty & In Uniform; Beat 1135; CPD Start Date: 18 February 2014

**WEAPON:** Did not fire

**INJURIES:** None reported

**SUBJECT:** [REDACTED] Black Male; DOB: [REDACTED] 1999 (Juvenile – 16); Address: [REDACTED]  
[REDACTED], Chicago, IL; IR # [REDACTED]

**WEAPON:** High-point, Model C, 9mm semi-automatic pistol; Serial #Defaced

**INJURIES:** Gunshot wound to the chest, near the top of the sternum, with the bullet lodged. Transported to Mount Sinai Hospital and pronounced dead on the same day at 8:27 p.m.

## SUMMARY OF INCIDENT

On April 11, 2016, CPD Officers Riordan and Hitz were on patrol in the 11<sup>th</sup> District in their marked police SUV. At approximately 7:41 p.m., Officers Riordan and Hitz were stopped at a light facing west on Roosevelt Road at the intersection of Homan Avenue. After the light changed, the Officers turned south onto Homan, made a three-point turn, and pulled into the southbound lane of Homan facing north. After doing so, the Officers' SUV is seen on video stopping temporarily alongside two cars (Red Car and Gray Car) that were stopped parallel to each other behind another car (Black Car) in the northbound lanes of Homan. The Black Car is seen on video preparing to turn left (westbound) onto Roosevelt. Moments later, the Officers' SUV maneuvered through the oncoming southbound traffic on Homan and followed behind the Black Car as it turned left and proceeded westbound on Roosevelt. At that point, the Officers activated their emergency lights and sirens behind the Black Car.

The Black Car came to an abrupt stop and the passenger-side front door swung open. An individual, now known as ██████ exited the Black Car and fled on foot through an open lot located at approximately 3424 W Roosevelt Rd. Officer Hitz, who was seated in the passenger side of the Officers' SUV, pursued ██████ on foot. Officer Riordan approached the driver of the Black Car immediately with his gun drawn as the driver's door began to open. While the driver was telling Officer Riordan that ██████ just robbed him, Officer Riordan heard gunshots coming from the direction in which Officer Hitz and ██████ ran. Officer Riordan left the driver of the Black Car on Roosevelt and ran in the direction of the gunfire while calling out "Shots Fired" over the police radio. Almost simultaneously, Officer Hitz made repeated calls of "Shots Fired" over the police radio.

Officer Hitz fired two shots at ██████ one of which struck him in the chest. Immediately after Officer Riordan ran after his partner, the driver of the Black Car got back into the Black Car and drove away and has not yet been located or identified.

## INVESTIGATION

IPRA obtained relevant video, forensic, and documentary evidence associated with this incident. IPRA also obtained similar evidence regarding two other incidents that are believed to have played a role in how events unfolded in regards to this police-involved shooting. The significance of the two other incidents will be explained later in this report.

IPRA interviewed civilian witnesses and the two involved officers. IPRA also reviewed and considered the statements made by civilian witnesses and Officer Hitz pursuant to a civil lawsuit filed against the City of Chicago and Officer Hitz regarding the April 11, 2016, police-involved shooting of ██████ which, as of the date of this report, is still on-going.

The following is a summary of the evidence obtained and analyzed by IPRA in this investigation:

### Video & Audio Evidence

IPRA obtained the video and audio evidence pertaining to this and linked incidents. This section begins with a summary timeline of the relevant activity to help the reader understand what led to and ultimately took place in this police-involved shooting.<sup>1</sup>

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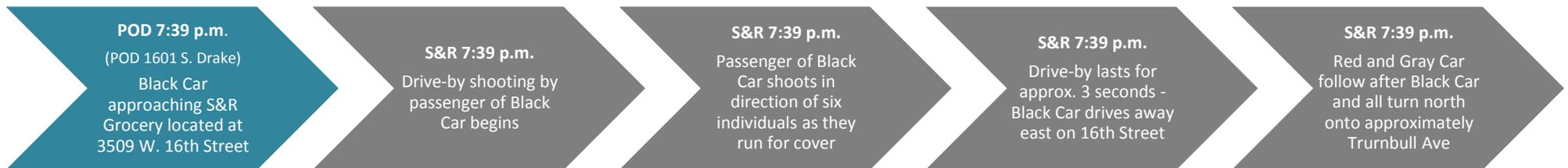
<sup>1</sup> The Illinois Juvenile Court Act of 1987 restricts the records that can be publicly disclosed pertaining to minors, which includes video images. As such, IPRA is not permitted to release the video evidence associated with this case without a court order.

**Audio/Video Evidence Timeline**

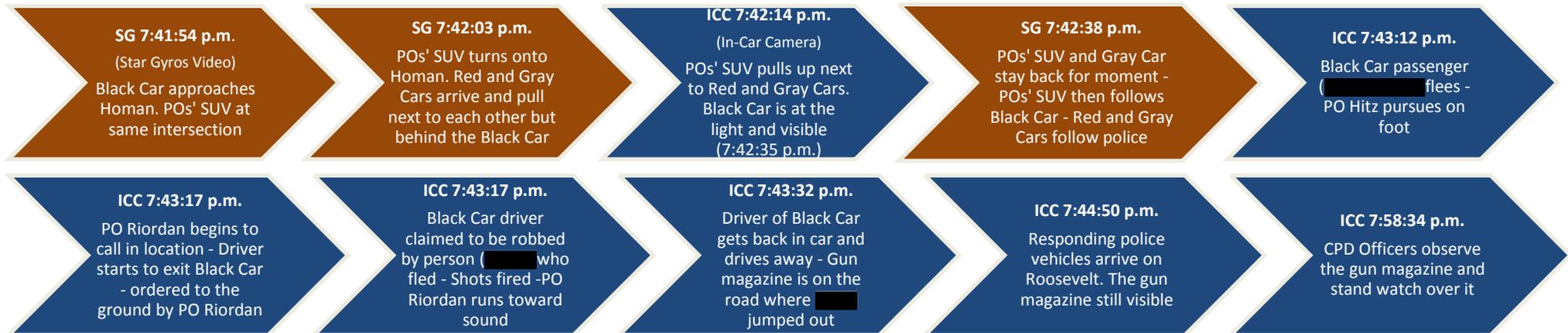
**Timeline - Audio Dispatch (Beginning to Foot Pursuit)**



**Timeline - Video 16<sup>th</sup> Street Grocery Store Drive-By Shooting by Passenger of Black Car** (S&R video time is 2 hrs., 6 min. ahead of real time –Atts. 75, 76 )

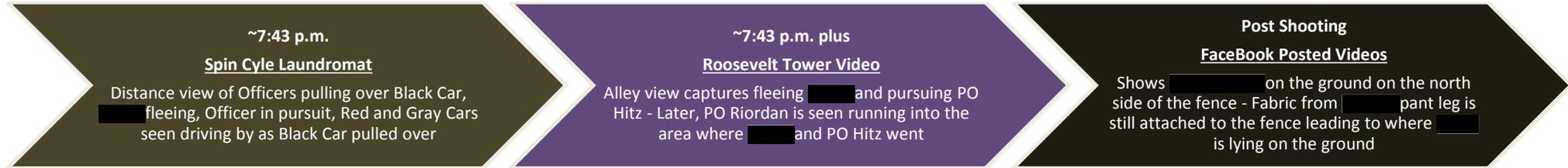


**Timeline – CPD SUV’s In-Car Camera (ICC) Video & Independent 3<sup>rd</sup> Party Videos: Star Gyros (3400 W. Roosevelt Rd.), Spin Cycle Laundromat (3451 W. Roosevelt Rd.), Roosevelt Towers (3440 W. Roosevelt Rd.), and Facebook Videos from West Grenshaw Street property**



**Video Color Legend:** POD S&R Grocery Star Gyros ICC Spin Cyle Roosevelt FaceBook

**Timeline – 3<sup>rd</sup> Party Videos (continued)**



~7:43 p.m.

**Spin Cyle Laundromat**

Distance view of Officers pulling over Black Car, fleeing, Officer in pursuit, Red and Gray Cars seen driving by as Black Car pulled over

~7:43 p.m. plus

**Roosevelt Tower Video**

Alley view captures fleeing [redacted] and pursuing PO Hitz - Later, PO Riordan is seen running into the area where [redacted] and PO Hitz went

Post Shooting

**FaceBook Posted Videos**

Shows [redacted] on the ground on the north side of the fence - Fabric from [redacted] pant leg is still attached to the fence leading to where [redacted] is lying on the ground

**Timeline - Audio from In-Car Camera - Officer Hitz and Officer Riordan (Traffic Stop until just after the OIS)**

Approximate Time and Event	Officer Hitz	Officer Riordan
<p>7:43:14- 7:43:17</p> <ul style="list-style-type: none"> <li>[redacted] runs from passenger side (PO Hitz)</li> <li>Traffic Stop Begins (PO Riordan)</li> </ul>	<p><i>“They’re bailing, they’re bailing, they’re bailing, one (inaudible), one (inaudible).”</i></p> <p>Followed by the sound of PO Hitz running</p>	<p><i>“1135 Northbound Roosevelt.”</i></p>
<p>7:43:17 – 7:43:23</p> <ul style="list-style-type: none"> <li>Driver begins to exit (PO Riordan)</li> </ul>	<p>Foot chase continues</p>	<p><i>“Get on the fucking ground.”</i></p> <p>Weapon drawn and pointed. Driver responds, “What did I do?”</p> <p><i>“Get on the ground. Get out of the car. Get out of the car.”</i></p>
<p>7:43:23 -7:43:26</p> <ul style="list-style-type: none"> <li>Foot chase continues (PO Hitz)</li> <li>Traffic stop continues (PO Riordan)</li> </ul>	<p><i>“He’s going westbound (indecipherable) north alley.”</i></p> <p><b>Note:</b> the OEMC police transmission picks up PO Hitz saying, <i>“He’s going westbound off of Roosevelt. North alley,”</i> before that transmission cuts out.</p> <p>Followed by the sound of PO Hitz running</p>	<p><i>“Anyone else in there? Step back here.”</i></p> <p>Driver Responds “No Sir.” while exiting the Black Car. Driver continues to talk saying, “He just robbed me, sir,” while motioning in the direction of the passenger side.</p>
<p>7:43:26 – 7:43:30</p> <ul style="list-style-type: none"> <li>Foot chase(PO Hitz)</li> <li>Traffic stop continues (PO Riordan)</li> </ul>	<p>PO Hitz is heard but his words are difficult to decipher on the ICC. He makes possibly three or four statements. PO Hitz’ voice continues to grow louder during this 3-4 second period.</p> <p><b>Note:</b> the OEMC police transmissions pick up what is most likely PO Hitz first statement of the three or four, which is,</p> <p><i>“He’s stuck on the fence,”</i> before that transmission cuts out.</p> <p><b>Note:</b> In PO Hitz’ deposition, he stated that he couldn’t tell if he said “stuck on” or “going over” the fence. PO Hitz agreed that it was his first statement when he was entering the carport area and that the statements that followed were: “Stop right there” and “Show me your fucking hands.”</p>	<p><i>“Ok, ok, sorry for scaring you.”</i></p> <p>PO Riordan reholsters his weapon. Driver twice again says, “He just robbed me.” PO Riordan continues to interact with the driver as part of the traffic stop.</p>

Approximate Time and Event	Officer Hitz	Officer Riordan
<p>7:43:30</p> <ul style="list-style-type: none"> <li>Shots fired by PO Hitz</li> </ul>	<p><b>Sound of gunfire</b></p>	<p>PO Riordan unholsters his weapon in response to the sound of gunfire and starts to run in the same direction [REDACTED] and PO Hitz went initially. The driver of the Black Car was left unattended on Roosevelt.</p> <p><b><i>“Shots fired”</i></b></p>
<p>7:43:33</p> <ul style="list-style-type: none"> <li>Post shots fired activity</li> </ul>	<p><b><i>“Shots fired, shots fired, shots fired.”</i></b>                      A different voice is heard on the feed from PO Hitz ICC audio immediately following the shots. The voice is most likely [REDACTED]                      [REDACTED]                      [REDACTED] says, “I’m hurt.”</p>	<p>PO Riordan’s ICC microphone is no longer picking up any audio after he runs in the direction of the gunfire. (<b>Note:</b> All quotes attributed to PO Riordan after this point come from the audio feed from PO Hitz’ ICC microphone.)</p>
<p>7:43:36</p>	<p><b><i>“Shots fired by police.”</i></b></p>	<p>Driver of the Black Car got back into the car and drove away.</p>
<p>7:43:45-7:43:52</p>	<p><b><i>“Fuck.” “What the fuck.”</i></b></p>	<p>PO Riordan is heard shouting  <b><i>“Show me your fucking hands.”</i></b>                      PO Riordan may have also been calling out information on his police radio but it was indecipherable.</p>
<p>7:43:53 – 7:44:08</p>	<p>PO Hitz is not heard saying anything during this period.</p>	<p>PO Riordan yells  <b><i>“Show me your hands, Show me your hands.”</i></b>                      People are heard yelling something from a distance.  <b><i>“Get back inside, get back inside.”</i></b>                      Additional words are being said by the people in the distance but they are indecipherable. PO Riordan also says some other words, which are also indecipherable.</p>
<p>7:44:11 - 7:44:18</p>	<p><b><i>“One (indecipherable). One in custody. Weapon recovered”</i></b></p> <p><b>Note:</b> the OEMC dispatch operator asks Beat 1135, “Is this from the black Toyota and do you have anyone in custody?”</p> <p>PO Hitz responds on the police radio by saying,  <b><i>“One, yes, one in custody. Weapon recovered.”</i></b></p>	<p><b><i>“EMS Rolling”</i></b></p>
<p>7:44:19 – 7:44:27</p>	<p><b><i>“EMS rolling. We need EMS rolling, now.”</i></b></p>	<p><b><i>“Don’t move your (indecipherable)” “I can’t see (indecipherable).”</i></b></p>

Approximate Time and Event	Officer Hitz	Officer Riordan
7:44:28 - 7:44:45	Nothing decipherable from PO Hitz or PO Riordan is picked up on audio during this period. Police radio information is faint in the audio. It sounds like dispatch is directing other officers to the location of the scene.	
7:44:46 – 7:44:48	PO Hitz says loudly <i>“North Alley, North Alley”</i>	<b>Note:</b> the OEMC police transmissions pick up what is most likely PO Riordan saying,  <i>“Alley, north of Roosevelt. Middle of the block,”</i> which is heard before PO Hitz calls out, North Alley, North Alley”
7:44:48 – 7:45:11	Nothing decipherable from PO Hitz or PO Riordan is picked up on audio during this period. Police vehicles are seen arriving on Roosevelt and into view on the ICC video.	
7:45:12 – 7:45:30	<i>“We need EMS. (Indecipherable) We need EMS.”</i> <i>“I’m fine.”</i>	Nothing from PO Riordan is picked up on audio
7:45:31 – 7:45:51	Nothing decipherable from PO Hitz or PO Riordan is picked up on audio during this period.	
7:45:52	Unknown Officer - <i>“You alright?”</i> PO Hitz – <i>“Yeah.”</i> Unknown Officer – <i>“Did he shoot at you?”</i> PO Hitz – <i>“He pointed his weapon at me.”</i>	

**OEMC audio transmissions and PCAD reports** (911 Calls and Police Radio information) from April 11, 2016, pertaining to the officer-involved shooting (OIS) of ██████████ in the backyard of ██████████ W. Grenshaw St., the drive-by shooting in front of S&R Grocery Store at 3509 W. 16<sup>th</sup> St., and the shooting at 2803 S. Kedvale Ave.<sup>2</sup> on April 11, 2016, were requested, acquired, and reviewed by IPRA. Other than the initial call involving the shooting at 2803 S. Kedvale and officers being told to be on the lookout for a black car, which was subsequently updated to a black Toyota, IPRA did not find anything during the investigation to suggest that ██████████ had anything to do with the shooting at that location.

Additional Relevant 911 Calls and Police Communications

11-Apr-16/19:40:55 (7:40:55 p.m.)	<b>Approximately 10 shots fired in front of grocery store</b> (911 Caller – ██████████ )
11-Apr-16/19:43:11 (7:43:11 p.m.)	<b>Beat 1135 – TS (Traffic Stop)</b>
11-Apr-16/19:43:36 (7:43:36 p.m.)	<b>Shots Fired By the Police</b>
11-Apr-16/19:44:13 (7:44:13 p.m.)	<b>One in Custody – Weapon Recovered</b>
11-Apr-16/20:03:02 (8:03:02 p.m.)	<b>10 mins ago heard shots fired – bullet hole in the glass and bullet on the ground - When the caller was asked if she knew who the shooter was, the caller stated, “I don’t know. The guys said the police got them”</b> (911 Caller – S&R Grocery ██████████ )

(Atts. 35-40, 45, 64-66, 97-98, 107-108, 122-140, 183, 207-221, 236-237)

The **store surveillance video** from **S&R Grocery and Dollar Plus**, located at 3509 W. 16<sup>th</sup> St., shows images from the drive-by shooting. The Black Car is seen approaching and driving past the grocery store while the passenger fires a gun multiple times at individuals standing outside the store at the time. The arm of the shooter is seen extended from the open window of the passenger side. Several pinpoints of light are seen coming from the gun held by the passenger of the Black Car. As this happens, the individuals who were standing outside the store flee in different directions as the shooting takes place. No one appears to be struck by any of the bullets. After the Black Car drives away, a gray-colored car (Gray Car) that was parked facing the grocery store in a vacant lot and a red-colored car that was parked across the street from the store on St. Louis Ave. follow after the Black Car in an apparent pursuit. All three cars (Black, Red, and Gray) are seen turning left at or about Trumbull or Homan. An independent copy of this surveillance video was obtained by IPRA with the assistance of the FBI. (Atts. 60, 85, 86)

The **video** from **OEMC POD #450**, located at 1610 S. Drake Ave., captures a section of the Black Car at approximately 7:39 p.m., just prior to the start of the drive-by shooting. The camera is on a timed rotation and was not faced toward the grocery store when the shooting took place. Images from the video show people running in various directions following the drive-by shooting. A Gray Car is seen from the beginning of the recording parked in an open lot across from S&R Grocery. After the POD camera comes back around and is pointed in the direction of S&R Grocery and east down 16<sup>th</sup> Street the video captures the Black Car as it travels eastbound on 16<sup>th</sup> Street away from S&R Grocery. The Gray Car is seen departing from the open lot and driving in the same direction as the Black Car. Just before the POD camera rotates again, the Black Car is seen turning

<sup>2</sup> Originally identified by a 911 call as 27<sup>th</sup> and Kedvale, which was initially broadcasted that way on the police radio by the dispatch operator.

left (northbound) at approximately Trumbull Avenue with the Gray Car apparently following after it. The next time the Gray Car is seen again is at 7:46 p.m. when it returns and parks in the same open lot location across from S&R Grocery. (Att. 84)

The **In-Car Camera (ICC) video** from the **marked CPD SUV** driven by Officer Jeffery Riordan and Sean Hitz, **Beat 1135**, shows the activity of the officers from the time they initially turn left from Roosevelt, briefly drive southbound on Homan and begin their traffic stop of the Black Car. The video captures the police vehicle's three-point turnaround on Homan, and their vehicle as it is positioned in the southbound lane of Homan alongside the Red Car. The Gray Car, which was stopped parallel to the Red Car on Homan, is only briefly visible on the ICC. The video then shows the officers' vehicle maneuver around oncoming traffic on Homan as it follows after and ultimately pulls over the Black Car. The ICC audio comes on just prior to when [REDACTED] exits the passenger door of the Black Car and runs in a northerly direction. Key aspects of what is shown and heard as part of the ICC video are shown in the visual timeline above. (Atts. 87, 88)

The **FBI** provided **frame-by-frame** and **enhanced still photographs** from the ICC video of Officers' police vehicle (Beat 1135) at the request of IPRA. IPRA made that request as part of its effort to identify the license plate numbers of the Black, Red, and Gray Cars and to attempt to get a better view of [REDACTED] as he fled from the passenger side of the Black Car. The photographs helped in slowing down the movements of the vehicles and [REDACTED] but as the result of the pixilation that occurred in slowing down and/or enhancing the images, they were not reliable or clear enough to determine license plate information or whether there was anything in [REDACTED] hands as he exited the Black Car. (Atts. 184, 185)

The **store surveillance video** from **Star Gyros**, located at 3400 W. Roosevelt Rd., shows the Black Car as it comes to a stop at the intersection of Homan and Roosevelt. The Officers' marked SUV is visible, stopped at the light in a westbound lane on Roosevelt. When the light changes, the Officers' SUV begins to move into the intersection and into the left-turning lane on Roosevelt in preparation for turning onto Homan. The Officers' SUV is seen making this move from the center lane Roosevelt, which indicates that their decision to turn onto Homan was not their original plan. As the Officers' SUV is waiting to turn, the Red and Gray Cars arrive at the light on Homan. The Gray Car pulls up alongside the Red Car, but at a somewhat atypical distance from the Black Car. After the Officers' SUV turns left onto Homan and begins to drive southbound, it is seen making a three-point turn and pulling next to the Red Car. The Officers' SUV is facing north and is in the lane of the oncoming southbound traffic on Homan. The Black Car is seen pulling into the intersection preparing to turn left onto Roosevelt. The Red Car is seen pulling up somewhat behind the Black Car as if it is preparing to make the same turn. The Officers' SUV and the Gray Car stay back momentarily before the Officers' SUV follows after the Black Car. The Red and Gray Cars are then seen maneuvering through traffic to follow in the direction of the Officers' SUV onto Roosevelt. (Atts. 12, 16, 91)

The **store surveillance video** from **Spin Cycle Laundromat**, located at 3451 W. Roosevelt Rd., shows the incident from across the street (south side of Roosevelt) and west of where the Black Car is pulled over by Officers Riordan and Hitz. Distant images of [REDACTED] fleeing and Officer Hitz pursuing [REDACTED] on foot are visible. The images of individuals in the video are not clear. The video also captures the Red and Gray Cars as they drive west on Roosevelt just after the Black Car is pulled over. Shortly thereafter, Officer Riordan is seen running in the same direction as [REDACTED] and Officer Hitz. The video then shows the Black Car leaving the scene. As the video continues, it shows responding officers arriving on Roosevelt in various police vehicles. (Atts. 12, 15, 94)

The surveillance video from Roosevelt Towers Senior Residence, 3440 W. Roosevelt, shows:

Time <sup>3</sup>	██████████	Officer Hitz	Officer Riordan
19:43:09	Runs into the alley	Not Visible	Not Visible
19:43:11	Enters the rear area of ██████ W Grenshaw	Not Visible	Not Visible
19:43:12	Faint image/movement seen at or about the location of the fence	Runs into the alley	Not Visible
19:43:13	Faint image/movement seen at or about the location of the fence	In the alley	Not Visible
19:43:14	Faint image/movement still visible at or about the location of the fence	In the alley – possibly on the radio	Not Visible
19:43:14-15	Not Visible	Into area of ██████ W Grenshaw – angling into the area while running and possibly on the radio	Not Visible
19:43:16	Faint image/movement is seen again – appears to rise up at or about the location of the fence	Not Visible	Not Visible
19:43:19-20	Not Visible	Movement visible, possibly head of PO Hitz on east side of north/south wooden fence of ██████ W. Grenshaw	Not Visible
19:43:29	Not Visible	Not Visible	Runs into the alley
19:43:32-37	Not Visible	Not Visible	Enters the rear area of ██████ W Grenshaw
19:43:38-43	Not Visible	Movement of head moving backwards toward the alley then forward again	Same basic motions as PO Hitz
19:43:59 – 44:01	Not Visible	Not Visible	Backs into alley with gun still extended in direction of ██████ W Grenshaw
19:44:21-26	Not Visible	Backs into alley with gun still extended in direction of ██████ W Grenshaw	Not Visible
19:44:30-52	Not Visible	Backs into alley with gun still extended in direction of ██████ W Grenshaw – Appears to motion with his arm	Not Visible
19:44:58 – 45:07	Not Visible	Backs into the alley again and motions with his arm – flashing lights and responding officers arriving	Not Visible

This video continues by showing additional responding officers and activity taking place in the alley and in the vicinity of ██████ W. Grenshaw St. (Atts. 12, 13, 93, 151)

<sup>3</sup> Time is approximately 12 seconds slower than that displayed by the ICC. The ICC appears to be close to the times listed on OEMC Event Query Documents. (Att. 35)

The **videos** from **Facebook** and excerpts from related videos from the **Chicago Tribune** show [REDACTED] on the ground in the backyard of [REDACTED] W. Grenshaw St. The video captures activity after [REDACTED] was shot. [REDACTED] is in close proximity to the fence. Fabric from [REDACTED] pant leg is seen leading from the top of the fence to where [REDACTED] is lying. Police and EMS personnel are seen around [REDACTED] and the scene. (Atts. 17, 89-90, 278)

The **video** from **Rachel's Learning Center**, 3434 W. Roosevelt Rd., captures officers walking in the alley at scene of the incident and police vehicles with emergency lights activated. (Atts. 12, 14, 92, 277)

### **Additional Information – Other Videos**

**OEMC POD cameras 001, 163, 494, 648, 836, 5076, 5090, 5095, 5140, 5141, and 5155** were also requested and acquired by IPRA. Those cameras did not provide any video footage that was determined to be of evidentiary value by IPRA in this investigation. (Atts. 83, 84, 114, 116, 118, 120, 121, 244)

**OEMC POD 450** on June 16, 2016 – IPRA investigator seen at a distance on the camera as he approached and attempted to obtain information from person in the possible Gray Car. (Att. 243)

**Surveillance video** from **Osama Food Store**, located at 1308 S. Central Park, for April 11, 2016, did not provide any video footage that was determined to be of evidentiary value by IPRA in this investigation. (Atts. 83, 84)

**Surveillance video** from **Dvorak Technology Academy**, located at 3615 W. 16<sup>th</sup> St., for April 11, 2016, did not provide any video footage that was determined to be of evidentiary value by IPRA in this investigation. (Att. 118)

**Other In-Car Cameras** – Beats 1106, 1111, 1123, 1124A, 1133, 1135A, 1143 - for April 11, 2016, did not provide any known video footage of evidentiary value in this investigation. (Atts. 246, 247, 248, 249, 250, 251, 252)

### **Civilian Witnesses**

#### **Initial Information Obtained**

**IPRA canvassed** the area **on April 11, 2016**, for potential witnesses but did not locate anyone who reported witnessing the actual shooting. IPRA made attempts to reach people at addresses other than the ones listed below, but either no one answered or the property appeared to be abandoned. The following is a brief summary of the information obtained during the canvass. (Att. 7)

#### **April 11, 2016 Canvass**

- [REDACTED] at [REDACTED] said that she heard two or three shots and someone say, "Put your hands up." [REDACTED] told IPRA that she did not want to be involved in the case.
- [REDACTED] a [REDACTED] said that he heard two gunshots. IPRA investigators left their card for his parents and told [REDACTED] that they would like to speak to him but need one of his parents present.
- [REDACTED] at [REDACTED], said that she was not at home at the time of the incident. However, her 14-year-old daughter, [REDACTED] heard running and 3 or 4 gunshots.

- [REDACTED] a 13-year-old, at [REDACTED], said he heard someone say, “Stop right there!” followed by the sound of two gunshots. [REDACTED] said that [REDACTED] is the nickname of the person who was shot by police. He knew him only by that nickname and estimated that [REDACTED] was 19 years old. [REDACTED] provided the name of his mother, [REDACTED] and her phone number.
- A **black female** at [REDACTED], who declined to provide her name, said that she had no knowledge of the police-involved shooting.
- A **black male** at [REDACTED] who declined to provide his name, said that he heard two gunshots and nothing else.
- [REDACTED] at [REDACTED] did not hear or see anything.
- [REDACTED] an employee at the Roosevelt Tower Senior Residence, located at 3440 W. Roosevelt Rd., told IPRA that none of the residents reported or complained about hearing gunshots. [REDACTED] provided the contact information of her manager so that IPRA could obtain video from their surveillance cameras.

IPRA also **made numerous other attempts to locate and speak to potential witnesses** with limited success. The following is a summary of the information IPRA obtained during these efforts.

#### Interview Attempts

- On April 12, 2016, IPRA attempted to conduct another canvass and potential follow-up but were unable to do either because of the presence of protesters. (Att. 9)
- On April 12, 2016, IPRA spoke by phone with [REDACTED] who lives at [REDACTED] W. Grenshaw St., said that she was not home at the time of the shooting but her children, [REDACTED] and [REDACTED] were. During the phone conversation, [REDACTED] asked [REDACTED] and [REDACTED] what they heard or saw, and [REDACTED] said he heard someone yell, “Stop right there!” before he heard two gunshots. According to [REDACTED] heard the gunshots but did not hear any voices. [REDACTED] declined to make her children available for an interview with IPRA because she did not want them involved. (Att. 8)
- On April 13, 2016, IPRA spoke to the **mother of** [REDACTED] during a personal visit at [REDACTED] W. Grenshaw St., Apartment #2. [REDACTED] mother declined to provide her name. She claimed that neither she nor her son [REDACTED] were home at the time of the April 11, 2016, police-involved shooting. She also declined to say whether [REDACTED] video-recorded any part of the shooting. (Att. 10)
- On April 13, 2016, IPRA attempted to speak to an individual by the name of [REDACTED] [REDACTED] but was unsuccessful. This was a follow-up to information provided to IPRA by CPD on April 11, 2016. CPD reported that this person talked to them during a canvass they did at [REDACTED] W. Grenshaw St. This person reported that her name was [REDACTED] and that she lived on the 3<sup>rd</sup> floor. Identifiers provided to IPRA by CPD included that she is a 24-year-old, black female. According to CPD, this individual told CPD detectives that she was home and heard the gunshots. In response, she directed her five children to get on the floor before she walked out her back door to see what happened. This individual stated that when she was outside she saw two officers and that one of them directed her to stay indoors. This individual did not mention video recording any of the incident or knowing who did. When IPRA called the number

provided for this individual by CPD, the recording said it was no longer in service or disconnected. IPRA sent a letter addressed to the person at this address, but no one replied. IPRA believes this may be [REDACTED] since [REDACTED] provided similar information during an interview with the FBI and during her deposition. (Atts. 68, 69)

- On May 2, 2016, IPRA sent a letter to [REDACTED] mother. As part of that letter, IPRA asked her to contact them if she had any information relevant to the investigation. Communication related to potential witnesses was provided to IPRA by [REDACTED] attorney, [REDACTED] produced one witness, [REDACTED] who was willing to be interviewed. According to [REDACTED] was not willing to be interviewed by IPRA alone. In order to facilitate this interview, IPRA coordinated the assistance of the FBI. The information provided during [REDACTED] interview with the FBI will be discussed later in this report. (Att. 152)
- On multiple dates in 2016 & 2017, IPRA attempted to locate the driver of the Black Car that [REDACTED] was in when he ran from the police on April 11, 2016, and the drivers and/or passengers who were in the Red and Gray Cars that pursued the Black Car following the drive-by shooting at S&R Grocery Store. IPRA enlisted the assistance of the FBI in some of those efforts, but neither entities were successful in finding any of those individuals. IPRA continued to monitor CPD's effort to locate the driver of the Black Car, but as of the date of this report, neither IPRA nor CPD have located him. (Atts. 150, 189, 199, 243, 275, 276, 331, 332)

### Interviews & Civil Depositions

#### Police-Involved Shooting of [REDACTED]

On April 20, 2016, [REDACTED] as the administrator of the estate of [REDACTED] filed a federal civil lawsuit (16 C [REDACTED] against the City of Chicago and the two officers in the April 11, 2016, police-involved shooting of [REDACTED]. When the lawsuit was initially filed, it did not include the specific names of the officers. At a later date, the plaintiffs amended their lawsuit to include them. (Atts. 167, 169)

[REDACTED] was interviewed on June 13, 2016, by the FBI as a witness to the April 11, 2016, police-involved shooting of [REDACTED]. A representative from IPRA and Attorney [REDACTED] who represents the estate of [REDACTED] were present during the interview. [REDACTED] did not witness the police-involved shooting of [REDACTED] but she heard two gunshots outside the back of her third-floor apartment followed by someone yelling, "Get down." [REDACTED] apartment is in the building next to the backyard where [REDACTED] was shot. A few seconds after [REDACTED] heard the gunshots, [REDACTED] looked out the back sliding glass door that faces the alley and saw two police officers with their guns drawn and pointed at [REDACTED] then exited the sliding glass door onto the back porch to see what was going on. After doing so, one of the officers told her to get back inside. [REDACTED] did not comply with that officer's direction. While on the back porch, [REDACTED] saw [REDACTED] lying face-down in the backyard of the neighboring property. His pants were ripped and a piece of them was still attached to the fence. The officers were on the other side of the fence. [REDACTED] did not see any gun near [REDACTED] body. The taller of the two officers jumped over the fence and placed [REDACTED] in handcuffs after first pointing his weapon at [REDACTED] for approximately a minute longer. [REDACTED] did not see [REDACTED] moving so she did not understand why it took so long to put him in handcuffs. From where [REDACTED] was standing, [REDACTED] did not appear to be breathing. [REDACTED] did not understand why any of the other arriving officers did not check [REDACTED] pulse or provide him with any medical assistance. Paramedics arrived approximately thirty minutes to an hour later. After the paramedics took [REDACTED] to the ambulance, they remained in the ambulance for another twenty minutes before they left. [REDACTED] told her sister (unnamed) to begin recording what was taking place. [REDACTED] did that shortly after she went out on the back porch. [REDACTED] sister made two video recordings on her cellphone, which

she turned over to the Chicago Tribune. One of those recordings was deleted from [REDACTED] sister's phone. [REDACTED] heard a rumor that people who live on the second floor of her apartment may have also made a recording. (Att.-Note: the associated FBI report is the property of that agency.)

[REDACTED] was **deposed** on January 9, 2017, **as a witness** of the April 11, 2016, police-involved shooting of [REDACTED] in Civil Case 16 C [REDACTED] Estate of [REDACTED] v. City of Chicago and Officers Hitz and Riordan. [REDACTED] testified about what she recalled witnessing on the evening of April 11, 2016, and her testimony was consistent with what she said during her interview with the FBI. During her deposition, [REDACTED] provided some additional details that were not covered in her interview the FBI, but she confirmed that she did not witness the shooting and was not aware of anyone who did.

Following the sound of gunshots, [REDACTED] heard an officer yell, "Freeze!" or, "Get down!" After that, [REDACTED] peeked out the back window and then went outside on the back porch to see what took place. When she was on the back porch, the same officer told her to get back inside her apartment. [REDACTED] remembered that the officer who said those things was the taller of the two officers.

[REDACTED] testified that she heard rumors on social media about [REDACTED] having a gun, but she never saw him with a gun and did not previously know [REDACTED] sister, [REDACTED] made a videotape of what took place after the shooting. [REDACTED] saw the video but she does not know what happened to it. [REDACTED] testified that she was interviewed by the FBI about this matter in the summer of 2016 and that she told the FBI the same basic information. (Att. 306)

[REDACTED] [REDACTED] was **deposed** on February 21, 2017, **as a witness** of the April 11, 2016, police-involved shooting of [REDACTED] in Civil Case 16 C [REDACTED] Estate of [REDACTED] v. City of Chicago and Officers Hitz and Riordan. [REDACTED] testified that she lives in an apartment on the third floor of [REDACTED], and was present at that address on April 11, 2016, during the police-involved shooting. [REDACTED] was in the back bedroom of the apartment with her sister [REDACTED] when she heard "something hit the window (of the sliding glass door) really hard." [REDACTED] heard the same sound and went out onto the back porch to see what it was. At approximately that point, [REDACTED] heard police officers yelling something, but she was unable to recall what she heard. [REDACTED] then went to where [REDACTED] was standing and saw two officers with their guns pointed in the direction of [REDACTED] who was lying face down on the ground on the north side of the fence of the neighboring property. [REDACTED] then recalled hearing one of the officers directing [REDACTED] to get back inside. [REDACTED] said something to them like, "Oh, my God," and then [REDACTED] heard one of the officers say something to the effect of, "He had a gun." [REDACTED] then used her iPhone to videotape what was taking place. She estimated that the video she made lasted approximately three minutes. She recorded everything through the inside windows of her family's apartment; none of it was recorded on the back porch. [REDACTED] no longer has the iPhone that she recorded the video on. That phone broke, and she no longer has it or a copy of the video she recorded that evening. [REDACTED] recalled seeing a cellphone lying near [REDACTED] but she did not see a gun or shell casings. [REDACTED] testified that she was not specifically looking for a gun or shell casings.

[REDACTED] never heard anyone yelling nor did she hear gunshots before she heard something hit the window of their sliding glass door. Neither [REDACTED] nor [REDACTED] ever discovered what made that sound, and they never discovered any damage to the sliding glass door or window. [REDACTED] is not aware of anyone who actually witnessed the police-involved shooting of [REDACTED] (Att. 309)

[REDACTED] was **deposed** on February 8, 2017, **as a witness** of the April 11, 2016, police-involved shooting of [REDACTED] in Civil Case 16 C [REDACTED] Estate of [REDACTED] v. City of Chicago and Officers Hitz and Riordan. [REDACTED] testified that she lives at [REDACTED] [REDACTED] was not home on the night of the April 11, 2016, police-involved shooting, but was made aware of it by her two children, [REDACTED] and [REDACTED]

██████████ who were at home. ██████████ specifically recalled her son ██████████ phoning her and reporting what had just happened in the backyard of the property located at ██████████ W. Grenshaw St. ██████████ told ██████████ that he and ██████████ heard the police say, "Freeze" or something like that before the sound of gunfire. Neither of her children actually witnessed the shooting, but they told ██████████ that they heard it while they were in ██████████ room, which is located on the east side of the second floor of the home - on the opposite side from where the shooting took place. In response to what she was told by ██████████ ordered her children not to answer the door, but they told ██████████ that they already spoke to the police. After hearing the news, ██████████ returned home approximately 20 minutes later and immediately went onto her back porch to see what was taking place. ██████████ could see ██████████ on the ground. ██████████ did not appear to move. ██████████ assumed that ██████████ was dead and that the police were tending to him because they did not want to move his dead body from where it was located. ██████████ was unable to see ██████████ face because it was too dark outside, but she could see that his pant leg was still attached to the fence. ██████████ testified that she was unable to see a gun on the ground, but it was unclear from her questioning whether her inability to see the gun had anything to do with the lighting.

██████████ stated that one of her other daughters, ██████████ was not home at the time of the April 11, 2016, shooting. According to ██████████ arrived home after the shooting.

██████████ never mentioned nor was she asked questions about the whereabouts of ██████████ her oldest daughter, nor was she asked any follow up questions about ██████████ (Att. 310)

██████████ was **deposed** on February 8, 2017, as a **witness** of the April 11, 2016, police-involved shooting of ██████████ in Civil Case 16 C ██████████ Estate of ██████████ v. City of Chicago and Officers Hitz and Riordan. At the time of his testimony, ██████████ was 14 years old. His mother, ██████████ was present throughout ██████████ testimony. ██████████ testified that he was alone playing the video game NBA 2k in his top-floor bedroom on the evening of April 11, 2016. ██████████ sisters, ██████████ and ██████████ were in the first-floor kitchen, which is located in the back of the house closest to the alley. Just before ██████████ heard gunshots, he heard someone shout, "Hey, stop right there," followed by two gunshots. ██████████ estimated that the gunshots occurred two seconds after he heard the person shout. ██████████ did not hear anyone say anything else after that.

After hearing the gunshots, ██████████ went downstairs and looked out the back window of the family home and saw approximately 40 police officers. Initially, he did not see anyone other than the police. It was only after his oldest sister, ██████████ said, "There is somebody on the ground," that he noticed a person lying on the ground. Immediately after that, ██████████ told ██████████ to shut the blinds. After the blinds were shut, ██████████ went back upstairs and resumed playing his video game. ██████████ said that his sisters were the ones who called their mother, and that they did so approximately 30 minutes after the shooting. ██████████ estimated that his mother returned home approximately an hour after his sisters called her and that he was asleep when she arrived.

██████████ did not learn that the person on the ground was ██████████ whom he knew by the nickname ██████████ until his sister ██████████ told him later that same evening. (Att. 307)

██████████ was **deposed** on February 8, 2017, as a **witness** of the April 11, 2016, police-involved shooting of ██████████ in Civil Case 16 C ██████████ Estate of ██████████ v. City of Chicago and Officers Hitz and Riordan. At the time of her testimony, ██████████ was 12 years old. Her mother, ██████████ was present throughout ██████████ testimony. ██████████ testified that she was in the living room with her brother, ██████████ when she heard someone shout, "Stop right there!" Approximately 30 seconds later, ██████████ heard two gunshots. ██████████ then went to the kitchen window in the back of the house and looked

outside with her sister, [REDACTED] and her brother [REDACTED]. When they looked out the window, they saw a number of police cars and police officers standing around the backyard area of the neighboring property. (Att. 311)

[REDACTED] was **deposed** on February 8, 2017, as a **witness** of the April 11, 2016, police-involved shooting of [REDACTED] in **Civil Case 16 C [REDACTED] Estate of [REDACTED] v. City of Chicago and Officers Hitz and Riordan**. At the time of her testimony, [REDACTED] was 16 years old. Her mother, [REDACTED] was present throughout [REDACTED] testimony. [REDACTED] testified that she was in the kitchen of her family's home located at [REDACTED], at the time of the police-involved shooting with her older sister, [REDACTED]. Her younger sister, [REDACTED] and brother, [REDACTED] were upstairs. [REDACTED] heard a man loudly say, "Stop right there," just before she heard three gunshots. [REDACTED] estimated that the gunshots started no more than 5 seconds afterwards. In response to the gunshots, [REDACTED] dropped down to the floor. [REDACTED] remained standing. [REDACTED] then attempted to look out the back window, but [REDACTED] told her to get away from the window. By the time [REDACTED] and the others looked out the back window there were "a bunch of police" in the backyard area of the neighboring property. (Att. 308)

[REDACTED] was **deposed** on May 16, 2017, as a **witness in Civil Case 16 C [REDACTED] Estate of [REDACTED] v. City of Chicago and Officers Hitz and Riordan**. [REDACTED] who is [REDACTED] mother and the administrator of the Estate of [REDACTED] was called to testify by the defense. [REDACTED] did not witness any part of the police-involved shooting. The defense primarily questioned [REDACTED] about her awareness of [REDACTED] arrest history, alleged gang affiliation, and photos of him that were reportedly obtained from Facebook. [REDACTED] testified that she was aware of a number of [REDACTED] arrests, but that she had no knowledge of any connection [REDACTED] had to any gangs. [REDACTED] reported that she saw some of the Facebook associated photos where [REDACTED] was holding a gun, but she only saw those after [REDACTED] was shot by police. [REDACTED] was not aware of [REDACTED] ever possessing a gun. (Att. 321)

### Interviews

#### S&R Drive-By Shooting

In an **interview with IPRA** on April 20, 2016, **Witness [REDACTED]** who has [REDACTED] S&R Grocery and Dollar Plus store located at 3509 W. 16<sup>th</sup> St. with his wife, [REDACTED] for the past five years, said that his wife was working at the store on April 11, 2016, when a dark-colored car drove by the store and started shooting. [REDACTED] was not present at the time of the shooting. He arrived at the store at approximately 8:10 p.m. that evening. His wife called him after the shooting to tell [REDACTED] what happened, so he dropped what he was doing and went to the store. After [REDACTED] arrived he noticed that the gunshots broke one of the store's windows and damaged part of the gate above the front door. No one was injured. [REDACTED] wife told him that she heard the gunshots and glass shattering but did not witness the shooting. [REDACTED] and his wife found bullet-related materials inside and in front of their store following the shooting, which they promptly provided to the police. [REDACTED] believes the drive-by shooter of S&R Grocery was shot and killed by police approximately 10 to 15 minutes later. [REDACTED] was told that by individuals who hang out in front of his store. [REDACTED] did not provide their names and noted that they "protect my wife." [REDACTED] said that right after the shooting "kids from the neighborhood jump(*sic*) in their car to go after him. I believe they saw a police officer, they pointed, the police, they let the police officer know that that car was involved in a shooting." [REDACTED] learned that information the same night as the shooting. [REDACTED] believes that the people who followed after the shooter in their cars did so because they "wanted to catch'em" and to protect his wife. [REDACTED] explained that the people who stand out in front of his store also protect his wife. [REDACTED] did not provide any of the individuals' names and suggested that they would not want to be involved. [REDACTED] does not know anyone who owns and drives a gray or red car that parks across the street from his store.

After reviewing a video of the shooting from his store's surveillance cameras, ██████ said that the gray car is always parked across the street from his store, but ██████ did not know the owner or driver's name. ██████ said that a lot of people from the neighborhood park across the street because it is an open lot. ██████ does not know the names of the individuals who are seen on the video of the front of his store running when the drive-by shooting takes place. He noted that they are the same individuals that he asks to leave the front of his store every day because he knows they are selling drugs. ██████ stated that he has a hard time getting them to stop hanging out in front of his store. ██████ reiterated that, from his experience, anyone who has any information about this shooting or what happened when individuals followed after the shooter "don't wanna get involved at all with anything." ██████ confirmed that the video from his store's surveillance cameras is 2 hours and 6 minutes ahead of the actual time. He explained that the time on the video has been incorrect for approximately three and a half years, and he has been unable to fix it.

██████ said that the area where his store is located is a "drug-infested" area with gangs that has gotten worse over the years. ██████ does not know the name of any of the gangs. There have been times in the past when other shootings have occurred in front of or in close proximity to his store. The last time was approximately a month earlier than the date of this interview. During that shooting, ██████ car was shot twice. ██████ has no idea what led to these shootings.

██████ was shown a picture of ██████ during his interview. ██████ said that he did not recognize ██████ and never saw him in his store. (Atts. 75, 76)

In an **interview with IPRA** on April 22, 2016, **Witness ██████** who ██████ S&R Grocery and Dollar Plus store located at 3509 W. 16<sup>th</sup> St. with her husband, ██████ said that she was working at the store on April 11, 2016, when she heard gunshots being fired into the front of the building. She estimated that it was approximately 7:40 p.m. when the shooting began. ██████ was working the register inside the front area of the store when she heard the gunshots. She immediately went to the floor and did not witness the shooting. She only heard the gunshots and the sound of glass breaking. ██████ sustained minor cuts to her hands from the broken glass she touched after the shooting from a window that was shot out during the incident. ██████ called 911 to report the shooting and made a police report.

██████ and her husband found bullet-related materials on the street near the store that they turned over to the police. Her husband found an additional bullet-related item on the street the next day, which he also turned over to the police. ██████ heard "people" around her store talking about someone who drove after the drive-by shooter and that the shooter was ultimately killed by the police. ██████ did not recall who told her that information. ██████ was also unable to recall the names of any of her customers and did not know how IPRA could attempt to contact them. ██████ does not know anyone who drives a gray or red car and that parks across from the store.

██████ said that there was another shooting around her store approximately one month earlier. During that shooting, her husband's car was shot twice. ██████ does not think the shootings from April 11, 2016, and approximately March of 2016 are linked. ██████ thinks that shootings in the area are caused by, "Kids fighting with each other. They just want to think that they are grown up to kill people. I don't know." (Atts. 105, 106)

## Police Officers

### Interviews & Civil Deposition

IPRA interviewed Police Officer Sean Hitz (PO Hitz) on April 29, 2016, and June 23, 2017. PO Hitz stated that on April 11, 2016, he and his partner, Police Officer Jeffery Riordan, were driving westbound on Roosevelt approaching Homan when they heard three police radio transmissions regarding shots fired calls from 16<sup>th</sup> and Drake, 16<sup>th</sup> and Christiana, and 16<sup>th</sup> and St. Louis. PO Hitz recalled that one of the calls came from a school that reported hearing 10 shots and saw a possible black Toyota driving northbound on St. Louis. The officers did not hear the gunshots. The windows in their police vehicle were not rolled down until after they heard the radio transmissions. PO Hitz then suggested to PO Riordan, who was driving, that he should turn left and go southbound on Homan in search of a black car. After they were approximately 150 feet from where they turned left onto Homan, the officers heard yelling so PO Riordan turned back around. It was at that point that they observed a red Cadillac (Red Car) and gray Buick (Gray Car) next to each other in traffic. The two cars had their windows down and the individuals in the cars were yelling at each other across the way. A black Ford (Black Car) was in the left lane preparing to head westbound on Roosevelt. As the Red Car pulled up closer to the Black Car, PO Hitz asked the driver of the Gray Car, "Is there something going on with you and that car?" At which point, the driver of the Gray Car pointed to the Black Car and said, "That car just shot someone over there." The driver of the Gray Car then kind of ducked below his steering wheel and made a hand gesture in the form of a gun and said, "That guy just shot at someone." PO Hitz did not know who the driver of the Gray Car was but described him as being a clean shaven, black male, 20 to 25 years of age, with long black dreads and wearing a red and black leather coat. There were two other people in the Gray Car, but PO Hitz was not focused on them at that point and was unable to provide a description of the other occupants. The officers never had any contact with the Red Car so PO Hitz has no idea how many people were in that car. PO Hitz described the Black Car as a Ford Taurus with all black tinted windows and a temporary license plate that looked like it had been sliced in the middle, which made it unreadable. PO Hitz noted that they did not pay attention to the Black Car initially when they first turned onto Homan because it was not a black Toyota. The officer decided to follow the Black Car after the driver of the Gray Car said it was involved in some sort of shooting.

When the officers turned onto Roosevelt to pursue the Black Car, PO Hitz attempted to go over the radio and call out an emergency traffic stop, but he was unable to communicate that message. PO Hitz assumed that he was unable to do so because the dispatch operator was broadcasting a description of the originally reported black Toyota and had control of the radio at that point. Just as PO Hitz was trying to call out information over the radio about the Black Car, it pulled over quickly to the curb and the passenger door opened. After the door opened, the passenger (██████████) got out and PO Hitz specifically recalled seeing ██████████ beginning to run with both hands underneath his stomach. It appeared to PO Hitz that ██████████ was tucking something as ██████████ ran northbound through an empty lot. At that point, PO Hitz began chasing after ██████████ on foot. PO Hitz also called out over the radio that, "He's bailing from the car, he's going northbound from Roosevelt." From PO Hitz' perspective, ██████████ hands remained in front of him and were not swinging at any point. PO Hitz lost sight of ██████████ for a little bit after ██████████ ran westbound down the alley until he heard some noise and noticed ██████████ on top of a fence. ██████████ was facing PO Hitz at that point with one leg on the north side of the fence and the other still on the south side of it. PO Hitz told ██████████ to, "Stop," and, "Let me see your hands." PO Hitz assumed that ██████████ was going to continue running after he got over the fence and PO Hitz had it in his mind that he would also have to hop the fence. It was at that point when PO Hitz noticed that ██████████ was "kinda stuck on the fence." ██████████ then started fidgeting around his waistband and pulled out a handgun but he fumbled and it dropped to the ground. As soon as PO Hitz saw the gun, PO Hitz screamed, "Show me your fucking hands." ██████████ then looked at where the gun fell and back at PO Hitz and then pushed and kicked himself off the fence and dove straight to the gun, landing with it underneath his chest. ██████████ then rolled over and turned in PO

Hitz' direction. It was at that point when PO Hitz saw the barrel of the gun. As soon as PO Hitz saw the barrel of the gun, he fired two shots at [REDACTED]. PO Hitz reported that he did so because he feared for his life. PO Hitz recalled seeing [REDACTED] then flinch and turn away from PO Hitz, still on the ground but with his hands underneath him. PO Hitz called out, "Shot fired," over the radio and requested Emergency Medical Service (EMS). [REDACTED] was no longer making eye contact with PO Hitz and PO Hitz was unable to see [REDACTED] hands or the gun. PO Hitz then stepped "off target" to his side and back approximately five or six feet, which are tactical maneuvers he was trained in as an officer to better protect oneself. PO Hitz also recalled telling [REDACTED] to show his hands. [REDACTED] remained in that position, kind of fidgeting around, but not really moving. [REDACTED] was not saying anything. At approximately that point, PO Riordan arrived. PO Hitz recalled PO Riordan asking if he was okay. PO Hitz told him he was good and that [REDACTED] has a weapon, which is why PO Riordan and PO Hitz were away from [REDACTED] at an angle.

At this point, PO Hitz and PO Riordan were positioned on the south side of the fence but on either side of where [REDACTED] was lying on the ground. PO Hitz described their positioning as a triangle. PO Riordan did not climb the fence and handcuff [REDACTED] until after responding police officers were there to assist. PO Hitz and Riordan waited for responding units because they could not see [REDACTED] hands or his gun. PO Hitz did not see [REDACTED] gun again until one of the responding officers told PO Riordan to be careful as the gun was pretty close to [REDACTED]. The same responding officer then told PO Riordan to move the gun away from [REDACTED] body. PO Hitz did not see PO Riordan move the gun, but PO Hitz assumed it was moved somewhat away from [REDACTED] for safety reasons. When PO Hitz ultimately saw the gun, it was down below [REDACTED] knee.

At some point after responding units arrived, PO Hitz recalled a police supervisor asking what happened and PO Hitz told him, "He ([REDACTED]) pointed a gun at me."

PO Hitz was shown the video from the officers' In-Car Camera (ICC) near the end of his April 29, 2016, interview. PO Hitz said that he saw the video once before at the police station after they returned there following the incident. After watching the video, PO Hitz acknowledged that when [REDACTED] got out of the passenger side of the Black Car and began running, at least one of his arms was moving. PO Hitz did not see that from his perspective in the moment or as it was happening. PO Hitz recalled [REDACTED] holding something around his stomach area. PO Hitz reiterated the commands he gave [REDACTED] just prior to when he fired two shots at [REDACTED] in response to [REDACTED] pointing his gun at PO Hitz. When PO Hitz is heard on the ICC microphone saying "fuck" after the shooting, PO Hitz explained that he said that because, "I just looked down, the basically (*sic*), the barrel of the gun. I was in fear for my life. I just felt like I had a near-death experience."

IPRA played a portion of the April 11, 2016, OEMC police radio transmissions pertaining to the shooting during his June 23, 2017, interview. PO Hitz confirmed that he responded to the OEMC dispatch operator's question about whether Beat 1135 (PO Hitz and PO Riordan) had anyone in custody by saying that the officers had "one in custody" and "weapon recovered." PO Hitz understood that the OEMC operator was asking for information regarding the situation so that they could provide direction to responding officers. Even though [REDACTED] was not technically in custody nor was his weapon actually recovered at that point, PO Hitz knew to convey the general idea that the matter was contained. PO Hitz confirmed that [REDACTED] was not officially in custody until PO Riordan jumped the fence and handcuffed him, which happened after responding officers arrived. The gun was not officially recovered until it was collected by CPD evidence technicians. (Atts. 149, 170, 329, 330)

**Police Officer Sean Hitz** (PO Hitz) was **deposed** on March 16, 2017, as a **defendant** in **Civil Case 16 C [REDACTED] Estate of [REDACTED] v. City of Chicago and Officers Hitz and Riordan**. PO Hitz' deposition was taken on behalf of the plaintiff (Estate of [REDACTED]) by their attorneys. Attorneys representing the defendants, City of Chicago, PO Hitz, and PO Riordan, were present and asked follow-up questions of PO Hitz

near the end of his deposition. PO Hitz' testimony was transcribed by a court reporter and it was videotaped. IPRA obtained copies of both of those items.

During his deposition, PO Hitz was questioned extensively about what took place on the night of April 11, 2016. His testimony was lengthy and detailed, but relatively consistent with what PO Hitz told IPRA during his April 29, 2016, interview. The aspects of PO Hitz' testimony that the plaintiff's attorneys emphasized: 1) PO Hitz' characterization of how [REDACTED] ran while fleeing; 2) PO Hitz' approach into the alley and carport area of [REDACTED] W. Grenshaw St. after losing sight of [REDACTED]; 3) the timeline of what [REDACTED] and PO Hitz did in the seconds preceding the shooting; and 4) PO Hitz' account of [REDACTED] condition and where the gun was located after PO Hitz shot [REDACTED]. Also, the plaintiff's attorneys asked PO Hitz questions about the second bullet he fired.

In terms of how [REDACTED] appeared as he ran while fleeing, PO Hitz testified that he recalled [REDACTED] running while seemingly hiding both of his hands. PO Hitz did not recall ever seeing [REDACTED] hands or arms swinging back and forth like a person would normally run. The plaintiff's attorneys played two video clips that captured portions of when [REDACTED] began to run as he exited the Black Car and when [REDACTED] is seen running northwest out of the alley and into the back area of [REDACTED] W. Grenshaw St. PO Hitz acknowledged that the videos appeared to show [REDACTED] arms, or a part of his arm, moving backwards and forwards while running. PO Hitz reiterated that when [REDACTED] exited the Black Car, he noticed him running while appearing to tuck something under him and that the video that captured [REDACTED] left arm moving was not the same view that PO Hitz had as he exited his police vehicle and began his pursuit of [REDACTED]. PO Hitz explained that he was to the right and lower than the camera angle of the ICC video.

Regarding PO Hitz' approach into the alley and carport area of [REDACTED] W. Grenshaw St. after he lost sight of [REDACTED], PO Hitz was questioned about why he would blindly run into that area if he thought that [REDACTED] was armed. The plaintiff's attorneys pressed PO Hitz about whether or not that was how he was taught to approach a situation, potentially leaving himself exposed. They also asked whether he was holding his gun in his left hand when it appeared to be extended in the Roosevelt Tower video as he made his way into the carport area. PO Hitz ultimately replied, "In this situation, I did what I did. I ran into the carport." PO Hitz also stated that he did not recall whether or not he was holding and/or extending his gun in his left hand when he entered the carport area and that the video shown to him did not clarify that either.

Pertaining to PO Hitz' timeline regarding what happened in the seconds leading up to the shooting, the plaintiff's attorneys pressed PO Hitz to detail how [REDACTED] could have done all of the things that PO Hitz claimed [REDACTED] did before PO Hitz shot him. Specifically, they focused on the brief period after PO Hitz ordered [REDACTED] to, "Show me your fucking hands," to the sound of PO Hitz' gunfire, which the plaintiff's attorneys claimed happened in less than a half of a second. They focused on PO Hitz' account of where [REDACTED] was positioned on the fence, to his fumbling with the gun, the gun falling to the ground behind [REDACTED] to [REDACTED] pushing off the fence and down to the ground, where he ultimately grabbed, turned, and pointed it in the direction of PO Hitz before PO Hitz fired. PO Hitz maintained that everything happened as he described and that everything happened quickly and almost as part of one continuous motion.

PO Hitz reported that, following the shooting, he did not see the gun until sometime after [REDACTED] was handcuffed and that it was just to the east of where [REDACTED] was lying. PO Hitz did not know how the gun ended up closer to the fence, but assumed it may have been moved by PO Riordan or one of the responding paramedics. In general, PO Hitz did not recall many details about how [REDACTED] looked when he was lying on the ground after he was shot.

Regarding the second bullet PO Hitz fired, he never asked nor did anyone tell him whether it was recovered.

The City of Chicago attorney asked PO Hitz if he planted the gun that was found at the shooting, to which PO Hitz replied, "I did not, no." The City's attorney asked PO Hitz that question because the City's attorney said that it was an unasked but implied question by the plaintiff's attorneys. PO Hitz was also asked a number of other questions by the City's attorney pertaining to allegations that were made in the plaintiff's lawsuit. PO Hitz confirmed that he shot [REDACTED] because PO Hitz feared for his life when [REDACTED] pointed a gun at him. PO Hitz denied shooting [REDACTED] for any other reason. (Atts. 305, 322)

In an **interview with IPRA** on April 28, 2016, **Police Officer (PO) Jeffrey Riordan** stated that on April 11, 2016, he and his partner, Police Officer Sean Hitz, were driving westbound on Roosevelt Road approaching Homan Ave. when they overheard radio communications regarding a call of shots fired at 16<sup>th</sup> Street and St. Louis Avenue. The officers immediately recognized that they were only a few blocks from that location and decided to turn left at Homan. PO Riordan also recalled hearing a description of a black Toyota over the police radio. The black Toyota was involved in a shooting, but it may not have been for the shots fired call at 16<sup>th</sup> & St. Louis. After turning onto southbound Homan, they overheard parts of a conversation between the occupants of unknown vehicles in the northbound lanes of Homan that included the words: car and shooting. PO Riordan, who was driving, made a U-turn and pulled up next to a Red Car and Gray Car. The Gray Car was in the far east lane, but parallel to the Red Car. The windows of the cars were down when the officers pulled alongside them. The occupants of the two cars pointed to the black Ford Taurus (Black Car), which was in the left hand turning lane in front of them, as a car that was involved in a shooting.

Shortly thereafter, the Black Car turned left onto Roosevelt and PO Riordan followed. PO Hitz attempted to call out a high-risk traffic stop when the Black Car quickly veered to the curb, the front passenger door opened, and one occupant ([REDACTED]) took off running northbound through a vacant lot. Officer Hitz pursued the fleeing [REDACTED] northbound into the vacant lot, and PO Riordan approached the driver of the Black Car. PO Riordan recalled withdrawing his weapon and ordering the driver out of the car. The driver calmly stated that he was just robbed by the individual that had exited the car and fled. PO Riordan thought that the driver may have said that [REDACTED] had a weapon, but he was unable to recall. As PO Riordan was directing the driver to stand by the rear of the Black Car, he heard two gunshots. PO Riordan immediately responded by calling out "Shots fired" over the radio and running northbound through the open lot that PO Hitz and [REDACTED] ran through.

Once PO Riordan got to the alley and turned left toward where he thought he heard the gunshots coming from, he saw PO Hitz with his weapon drawn on the south side of the fence in the rear of [REDACTED] W. Grenshaw St. PO Hitz was standing on the concrete slab just north of the alley. PO Riordan saw [REDACTED] the individual who just fled from the Black Car, on the other side of the fence face down with his hands underneath him. PO Riordan then noticed a black semi-automatic handgun on the ground touching [REDACTED] right hip. PO Riordan immediately pointed his weapon at [REDACTED] because PO Riordan was unable to see [REDACTED] hands and there was a gun nearby.

At that point, PO Riordan noticed a black female with a dog standing on the third-floor rear balcony of the property located immediately west of the location of the shooting. PO Riordan recalled her complaining that the officers scared her. PO Riordan then "basically pleaded with her to go back inside," which she did. PO Hitz was preparing to climb over the fence to handcuff [REDACTED] but PO Riordan advised his partner not to go over the fence because PO Riordan felt it was unsafe to separate and that they should wait for backup. PO Riordan also recalled immediately calling for EMS, and that PO Hitz did the same. While they waited for backup to arrive, PO Hitz backed up into the alley so that they would be more visible to the responding officers.

After responding officers arrived, PO Riordan climbed over the fence and handcuffed [REDACTED]. Later EMS arrived and attended to [REDACTED] before they took him away in an ambulance. PO Riordan recalled verbally ordering [REDACTED] to show his hands a few times prior to placing him in handcuffs. PO Riordan recalled having to turn [REDACTED] over to reach his hands and that his pant leg was ripped and still attached to the top of the fence. PO Riordan also recalled using his (Riordan's) left foot to move the gun a few inches away from [REDACTED] during this process. PO Riordan explained that he moved the gun because it was within [REDACTED] reach. As far as PO Riordan was able to tell, the gun was ready to fire. He never noticed whether the gun had its ammunition magazine. Later that evening when PO Riordan went to the police vehicle to get a bottle of water, he noticed an evidence marker next to an ammunition magazine on Roosevelt.<sup>4</sup> (Atts. 143, 144)

### **Forensic Evidence**

The **Crime Scene Processing Reports for RD [REDACTED]** indicate that a CPD forensic investigator (FI) was assigned to process the scene at a police-involved shooting at [REDACTED] W. Grenshaw St. During that assignment, the FI photographed the scene, which included the surrounding area of 3424 W. Roosevelt Rd. and the alley of [REDACTED] W. Grenshaw St. Some photographs depicted a first-floor rear window of [REDACTED] W. Grenshaw St. with apparent bullet damage. The FI noted to IPRA that the damage appeared to come from the west, rather than south of the window, where Officer Hitz was reportedly located when he discharged his weapon. The FI did not enter the residence to investigate further because he was unable to gain access to the first floor of the property. A gunshot residue (GSR) test of [REDACTED] hands was ordered by IPRA and completed. IPRA was present and active throughout the evidence identification and collection process. A detailed list of the evidence that was inventoried regarding this incident is included as well as a crime scene plat. (Atts. 4, 27-34, 166, 178, 192-197, 259)

The **Crime Scene Processing Reports for RD [REDACTED]** indicate an evidence technician (ET) responded to 3509 W. 16<sup>th</sup> St. to photograph damage to the S&R Grocery store in connection with shots fired at that location and to recover associated evidence. An ET also responded to this location again at the request of IPRA after IPRA was informed by the owner of S&R of possible additional evidence (bullet material) from the April 11, 2016, drive-by shooting. A detailed list of the evidence that was inventoried regarding this incident is included. (Atts. 60-62, 77, 80, 159-160, 260-262)

**Crime Scene photographs and video** of [REDACTED] W. Grenshaw St. and photographs of 3509 W. 16<sup>th</sup> St. were taken by CPD's FI and ETs. (Atts. 49, 78-80, 82, 95-96, 158-163)

**Illinois State Police Forensic Science Laboratory Reports** document the following results:

- The bullet recovered from the body of [REDACTED] was fired from PO Hitz' weapon.
- Gunshot residue was found on both of [REDACTED] hands. The forensic conclusion from the test means that [REDACTED] discharged a firearm, contacted primer gunshot residue through a related item, or had both hands in the environment of a discharged firearm.
- No fingerprints suitable for comparison were on the gun found at [REDACTED] W. Grenshaw St.
- The gun ammunition magazine recovered from Roosevelt Road on the night of April 11, 2016, fit the gun found at [REDACTED] W. Grenshaw St. and was used to test fire and conduct additional tests on that firearm.
- A fired cartridge casing found at 3509 W. 16<sup>th</sup> St. was forensically linked to having been fired from the same gun that was recovered at [REDACTED] W. Grenshaw. (Atts. 202, 203, 254, 265, 266, 273, 274)

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<sup>4</sup> As of the date of this report, PO Riordan has not been deposed in the civil case. According to a ruling by the judge in that case, the plaintiffs missed their opportunity to depose PO Riordan though it is conceivable the judge will allow it at a later date.

A **Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) trace** of the weapon found at [REDACTED] W. Grenshaw St. was unsuccessful because the serial number was no longer present on the gun. (Atts. 198, 255)

### **Medical and Autopsy Information**

The **Fire Department Ambulance Report** and **PCAD Dispatch Report** for **CFD** reported that Ambulance 33 was dispatched to an unknown male with a gunshot wound at West Roosevelt Road and South St. Louis Avenue on April 11, 2016, at 7:46:06 p.m. and was enroute at 7:46:42 p.m. The report documents that the ambulance arrived at the scene at 7:48:56 p.m. and reached the patient at 7:56 p.m. A narrative in the report notes that the ambulance crew was delayed getting to the patient due to traffic control, needing to walk a block, and obstructions related to a locked gate. The narrative included that they arrived at an active crime scene with a “gun on scene.” The report documents that the crew performed life-saving measures after finding the patient with a gunshot wound to the upper chest. The report includes information that the patient was found lying on his stomach and that he was unresponsive with no spontaneous respirations. The ambulance reportedly departed the scene for Mount Sinai Hospital at 8:08:26 p.m. and arrived there at 8:11:45 p.m. (Atts. 101, 102, 127)

**IPRA** responded to **Mount Sinai Hospital** on April 11, 2016. At that time, [REDACTED] identity was still unknown. IPRA was informed by [REDACTED], the treating physician, that the individual sustained a single gunshot wound to the center chest near the top of the sternum. IPRA briefly observed the then-unknown individual. (Att. 5)

**Medical records** for [REDACTED] from Mount Sinai Hospital indicate that on April 11, 2016, [REDACTED] was admitted for a single gunshot wound to his upper chest and CPR was in progress when [REDACTED] arrived at the hospital. [REDACTED] was pronounced dead at 8:27 p.m. (Att. 289)

The **Office of the Cook County Medical Examiner’s report, autopsy photos, x-rays and associated documents** indicate that [REDACTED] died on April 11, 2016, as the result of a gunshot wound to the chest. The examiner found no evidence associated with the wound to suggest that it was the result of a close-range firing. When the bullet entered the chest cavity, it did so through the intercostal space and continued to the right side of the neck where it disrupted the deep vessels of the neck including the jugular vein and continued through the right chest striking the right first rib. A bullet projectile was found in the right upper shoulder area, removed, and submitted into evidence. The path that the projectile appeared to follow was front to back, diagonally from left to right and slightly upward. (Atts. 6, 168, 182, 315)

**Other Documentary Evidence**

**Officer Sean Hitz' Tactical Response Report (TRR)** documents that he fired two shots from his handgun, striking the subject (later identified as [REDACTED]), who was an assailant who used force likely to cause death or great bodily harm with a weapon. (Att. 25)

**Officer Hitz' Officer Battery Report (OBR)** documents that the incident occurred at [REDACTED] W. Grenshaw St. in the alley on 11 April 2016 at 1943 hours. The type of activity included traffic stop/pursuit, man with a gun, and pursuing/arresting offender. A charge of assault/peace officer/weapon and a IUCR code of assault – aggravated PO: handgun are indicated. The manner of attack was “other” and the type of “weapon/threat” was a nine millimeter semi-automatic firearm, and officer at gunpoint is indicated for firearm use information. (Att. 26)

**General Offense Case and Detective Supplementary Reports** [REDACTED] document information collected and reported by CPD regarding the April 11, 2016, police-involved shooting of [REDACTED]. (Atts. 22, 23, 141, 142, 242, 267-272)

**General Offense Case and Detective Supplementary Reports** [REDACTED] document information collected and reported by CPD regarding the April 11, 2016, drive-by shooting at S&R Grocery. (Atts. 57-59)

**General Offense Case and Detective Supplementary Reports** [REDACTED] document information collected and reported by CPD regarding the April 11, 2016, shooting that took place at 2803 S. Kedvale. (Atts. 316-317)

**IPRA Preliminary Report** and the **CPD's Major Incident Notification Report** contain information identified and obtained in the preliminary stages of the investigation. (Atts. 4, 164)

**Plaintiff's Expert Witness Report Civil Case 16 C** [REDACTED] contains a summary of the facts and the opinion of [REDACTED], who was retained by Plaintiff's counsel to review the evidence pertaining to [REDACTED] death. IPRA reviewed the written report but ultimately [REDACTED] opinion did not impact IPRA's analysis. (Att. 333)

Approved:

[REDACTED]

Mark Orba

Interim First Deputy Chief Administrator

[REDACTED]

James Lukas

Investigator

**ANALYSIS**CPD Policy, Illinois State Statute, & Constitutional Standards

A Chicago Police Officer is permitted to use deadly force based on: Chicago Police Department's Policy regarding the use of deadly force, Illinois State Statute, and applicable standards within the United States Constitution.

CPD's Policy regarding the use of deadly force as identified in General Order 03-02-03, which was in effect on April 11, 2016, 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:

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.

The legal standard in Illinois regarding the use of deadly force is identified in Illinois State Statute 720 ILCS 5/7-5 (1986). The pertinent part of the statute states that:

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

Lastly, 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)).

### Officer Sean Hitz' Use of Deadly Force

In order to have a comprehensive understanding of the April 11, 2016, police-involved shooting at [REDACTED] W. Grenshaw, it was critical to learn what took place in the minutes leading up to this fatal encounter. The importance of those events are relevant to the assessment of the officers' version of what led to their encounter with [REDACTED]. These events are also relevant to the determination of whether Officer Hitz' use of deadly force was objectively reasonable based under the circumstances. As such, IPRA reviewed the facts of this case based on what took place in connection with: 1) the traffic stop; 2) the foot chase; and 3) the shooting.

#### The Traffic Stop

Officers Riordan and Hitz pulled over a black Ford Taurus (Black Car) in the early evening of April 11, 2016, because they had reason to believe that someone in the Black Car had a gun and that person had just used the gun to shoot or attempt to shoot someone. The officers conveyed that information to CPD Deputy Chief Dana Alexander during their public safety interview while still on the scene following the police-involved shooting of [REDACTED] and independent evidence obtained by IPRA fully supports the officers' accounts. The video evidence, in particular, when viewed chronologically from the start of the drive-by shooting of S&R Grocery to the point when the officers pull over the Black Car, provides clarity regarding how individuals driving in a red Cadillac (Red Car) and gray Buick (Gray Car) would know that an individual in the Black Car had a gun and recently used it. Obviously, the officers would not have known how or why the occupants of the Red and Gray Cars would have known that the occupants in the Black Car had a gun and had just used it, but the officers were privy to two recent and distinct police radio transmissions of shots fired.<sup>5</sup> Furthermore, the most recent of those calls, 16<sup>th</sup> and St. Louis, was approximately a half a mile from Roosevelt and Homan, their location at the time they encountered the Red and Gray Cars. In addition to the sequence of events visible on video, the fact that the occupants of the gray car told the officers that they had seen a passenger of the Black car discharge a firearm at individuals is corroborated by the S&R store owner who claims to have heard from individuals who frequent his store that the occupants of the vehicle had informed the officers about having seen an occupant of the Black car shoot at persons near the store.

#### The Foot Chase

Shortly after they obtained the information about the Black Car, the officers followed the Black Car as it turned left and headed westbound on Roosevelt. They then activated their emergency lights and siren in preparation for making the traffic stop, and attempted to radio that information into dispatch. In the OEMC dispatch recording, Officer Hitz is heard calling out that Beat 1135 (Officer Riordan and Hitz identification that day) was "following a car." The audio of that call came immediately after the dispatch operator ended a radio call about the license plate number of a black Toyota that police were looking for in connection with a shooting at 2803 S. Kedvale, which had happened earlier that same evening. Officer Hitz told IPRA that he attempted to report to dispatch that he and Officer Riordan were going to conduct an emergency stop of the Black Car, but Officer Hitz was unable to fully communicate that message because the dispatch operator had control of the radio at that moment. As we know from the ICC video, within seconds after the officers activate their emergency lights, the Black Car pulls quickly to the curb, the passenger door flies open, and [REDACTED] is seen exiting the Black Car and fleeing northbound on foot. [REDACTED] action of fleeing, which was observed by Officers Riordan and Hitz, was immediately called out over the police radio by Officer Hitz, who then pursued [REDACTED] on foot through an open lot.

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<sup>5</sup> The earlier of the two calls involved a black Toyota, but the officers never claimed that the Black Car they attempted to pull over was influenced in any way by that earlier call. PO Hitz specifically said they did not pay attention to the Black Car initially because they knew it was not a Toyota.

In terms of what took place as it relates to [REDACTED] fleeing and the direction that he went before [REDACTED] ended up entering the backyard of [REDACTED] W. Grenshaw St., the information provided by Officers Riordan and Hitz is consistent and corroborated by other evidence.

The aspect of [REDACTED] fleeing that is somewhat different in the ICC and Roosevelt Tower videos than what Officer Hitz described during his interview with IPRA and his deposition in the civil case is [REDACTED] arm movements. Officer Hitz reported that, from his perspective, from the moment [REDACTED] ran from the Black Car throughout the time Officer Hitz chased after him on foot, he never saw [REDACTED] hands. Officer Hitz said that [REDACTED] started out running with both hands seemingly hidden underneath his stomach, as if he was tucking something in. After reviewing the ICC video in slow motion of [REDACTED] exiting the Black Car, Officer Hitz acknowledged during his interview with IPRA as well as his civil deposition that [REDACTED] left arm does appear to swing back, but he noted that his vantage point when exiting the police vehicle was to the right and lower than where the ICC system is mounted, which is near the top and in the center of the police vehicle's windshield. As such, Officer Hitz said that he never saw either of [REDACTED] arms swinging when [REDACTED] initially fled. Officer Hitz also stated that [REDACTED] right arm does not appear to swing back in the ICC video, and that from what he recalled seeing, [REDACTED] was tucking something in near his stomach while running from Officer Hitz. Officer Hitz also acknowledged during his deposition that one of [REDACTED] arms appears to be moving in the Roosevelt Tower video that captures [REDACTED] running through the alley, which was shown to him in slow motion, but noted that [REDACTED] left hand appears to be holding [REDACTED] side.

Officer Hitz' claim that he did not see [REDACTED] arms moving as he fled, although not entirely consistent with the video evidence, is plausible given that the officer's vantage point was different from that of the video recording device. What is clear and undisputed is that [REDACTED] action in fleeing from the Black Car was quick and unexpected.

IPRA also considered other available evidence in assessing Officer Hitz' version of how [REDACTED] looked as he fled from the Black Car. In particular, it has been established that a gun was found in close proximity to where [REDACTED] was shot and that a magazine associated with the gun was found on Roosevelt Road where [REDACTED] exited the car. It has also been forensically determined that the gun at the scene was used in the drive-by shooting of S&R Grocery minutes before Officers Riordan and Hitz pulled over the Black Car from which [REDACTED] fled. As such, the evidence strongly suggests that [REDACTED] did, in fact, possess the gun when he exited the car and in doing so it is conceivable that, when he fled the car, he ran in a manner that caused Officer Hitz to believe that [REDACTED] was tucking something in or around his stomach area. Moreover, the location from where the gun's ammunition magazine was recovered suggests that the gun was not secured somewhere in [REDACTED] clothing when he exited the Black Car on Roosevelt Road. Therefore, in order to continue to maintain possession of the gun and to secure it from falling as he fled, it is possible, or even likely that [REDACTED] was attempting to secure the gun on his person or otherwise shield the gun from the view of the pursuing officer as he ran.

### The Shooting

As explained above, there are no known independent eyewitness accounts nor is there any video footage of the actual shooting. Since [REDACTED] died as the result of his gunshot wound, the only eyewitness to this police-involved shooting is Officer Hitz. As such, Officer Hitz' account of this incident must be evaluated in light of the other available evidence.

As identified earlier in this analysis, the evidence strongly indicates that [REDACTED] was more likely than not the same shooter who was seated in the front passenger side of a Black Car that committed a drive-by shooting at S&R Grocery Store minutes before the Black Car was pulled over by Officers Riordan and Hitz on Roosevelt

Road. Video related to that shooting depicts that the shooter was riding as the passenger in a black car of similar style/make/model as the Black Car from which █████ fled prior to being shot by Officer Hitz. The S&R Grocery Store shooting occurred approximately three minutes prior to when Officers Riordan and Hitz first encountered the Gray and Red cars conferring about the Black Car at the intersection of Roosevelt and Homan. The S&R Grocery Store shooting occurred approximately a half a mile away from the intersection of Roosevelt and Homan. The gunshot residue testing confirms that █████ had recently either discharged a firearm or handled a firearm that had been discharged. Lastly, ballistics testing confirms that the firearm recovered from the scene where █████ fell to the ground after having been shot by Officer Hitz was the firearm used in the S&R Grocery store shooting.

This conclusion is relevant not to disparage █████ but because this fact is relevant to the analysis of the Officer Hitz's use of deadly force. First, the evidence linking █████ to the other shooting makes it unlikely that the gun recovered was "planted." Second, the fact that █████ was likely to have been involved in an earlier shooting incident provides an explanation for █████ actions that evening – the fact that he fled from the Black Car on foot with the gun and the fact that he was likely to have attempted to shield the gun from the officers' view. But more importantly, the evidence linking █████ to the prior shooting is relevant to whether a reasonable in Officer Hitz's position would have believed that █████ presented an imminent threat to himself or others or that █████ was a fleeing forcible felon.

1. Officer Hitz was reasonable in his belief that █████ was armed.

In the minutes leading up to the officer-involved shooting, Officer Hitz and his partner had overheard three separate calls of "shots fired" in the neighboring area and the area they were responsible for patrolling. On the basis of one such call, the officers began driving in the direction of 16<sup>th</sup> St. and St. Louis when they encountered an individual in a gray car who pointed to the Black Car, in which █████ was a passenger, indicating that someone in that car had a gun that they just used to shoot someone. After receiving this information, when the officers pursued and then attempted to stop the Black Car, █████ jumped out of the car and fled, running in a manner that indicated he might have possessed a gun. Based on the information available to Officer Hitz at this point, it was reasonable for him to believe that █████ was armed.

To a certain extent, the fact that █████ had a weapon at the time he was shot is corroborated by the deposition testimony of █████ who claims that she heard an unidentified officer say "he had a gun" after her sister, █████ had expressed concern about what had happened, almost immediately after the shots were fired. Now, is it possible that the officer made that up just to assuage the inquisitive citizen? Yes, but it is also unlikely as the officer would have to count on the fact that a gun would ultimately be produced.

The fact that █████ was armed, alone, is not justification for the use of deadly force against him. Pursuant to law and Department policy, the officer's use of deadly force must have been predicated on the need to use force to address an imminent threat to the officer or others or to prevent █████ from evading arrest under the specific circumstances in which the use of deadly force against a fleeing person is permissible.

2. Officer Hitz was reasonable in his belief that █████ was a threat after he refused to obey commands to stop, dropped his gun to the ground, went from the fence to the ground near the gun, and then turned to face the officer.

According to Officer Hitz, when he confronted █████ while █████ was still on the fence with his pant leg possibly caught on it, █████ retrieved a gun from near his midsection before fumbling and dropping it to the ground below and slightly behind █████ After Officer Hitz yelled for █████ to stop and show his hands, █████ pushed off the fence and went down to the ground in the direction of the gun. After doing so, █████ turned

back toward Officer Hitz with the gun pointed at Officer Hitz. Officer Hitz described the above taking place as if it were one continuous action that happened quickly. Upon seeing the barrel of the gun, Officer Hitz fired two shots at ██████ striking him once in the chest.

From the evidence obtained and analyzed in this investigation, IPRA did not find anything that refutes Officer Hitz' account of what took place between ██████ and Officer Hitz in the seconds leading up to and including the shooting. ██████ gunshot wound was to the front of his body, and nothing identified in his autopsy report suggested that it could not have happened from the position that Officer Hitz described ██████ being in when ██████ pointed his gun at Officer Hitz.

The fact that Officer Hitz shouted verbal commands to ██████ prior to discharging his weapon is corroborated by several witnesses: ██████ and ██████. The fact that ██████ got stuck on the fence is corroborated by the physical evidence (██████ pants), and by ██████ who claims to have seen ██████ pants still stuck on the fence as he lay on the ground. The fact that ██████ got stuck on the fence, yet still disobeyed the officer's commands to stop, combined with the fact that the officer reasonably believed that ██████ may have discharged his weapon only moments before, contributes to the reasonableness of Officer Hitz' belief that ██████ was a threat. To be sure, because ██████ pants remained entangled with the fence after he went to ground, it is possible that he threatened the officer with the weapon in an attempt to make good his escape.<sup>6</sup> However, even had ██████ not directly threatened the officer with the weapon, based on the totality of the circumstances here, the officer was reasonable in his belief that ██████ presented an imminent threat because he possessed a firearm, he may have recently discharged that firearm at a person or persons, he refused to obey commands to stop, and had gone to ground for his gun.

3. A reasonable officer in Officer Hitz's position would have believed ██████ was a forcible felon who was attempting to evade arrest.

As outlined above, pursuant to CPD policy, Illinois law, and Supreme Court legal precedent, a law enforcement officer is permitted to use deadly force to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested 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. An officer needs both probable cause to arrest, and probable cause to believe that a forcible felony had occurred or was occurring, in order to be protected under these laws. In order to have probable cause to arrest without a warrant, "the facts and circumstances within the arresting officer's knowledge [must be] sufficient to warrant a man of reasonable caution in believing that an offense has been committed and that the person arrested has committed the offense." *People v. Jones*, 374 Ill. App. 3d 566, 575 (1st Dist. 2007). This test is further limited by "the existence of known criminal activity" which "serves to provide an anchor or touchstone, in a time-space sense, which limits the police arrest authority." *People v. Lippert*, 89 Ill. 2d 171, 179 (1982). Notably, police should be arresting without a warrant "only in limited situations where a person is found in an area where it is known a crime has recently occurred." *Id.*

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<sup>6</sup> It is important to acknowledge that the firearm recovered near ██████ was not loaded because it was missing the magazine containing the ammunition. As outlined above, a loaded magazine associated with the firearm was found on the street near where ██████ had exited from the Black Car and began to flee through the vacant lot. There is no evidence to indicate whether or not ██████ was aware that the magazine had been separated from the firearm, either intentionally or by accident. The rapidly evolving circumstances here would suggest that ██████ may not have been aware that the magazine had fallen out of the gun as he fled. Nonetheless, even if he was aware that the weapon was unloaded when he was confronted by Officer Hitz, he may still have threatened the officer with the weapon – even an unloaded weapon can be used as a threat to keep an arresting officer momentarily at bay.

The facts known to Officer Hitz were sufficient to establish probable cause to arrest [REDACTED] for the commission of a forcible felony, namely, the discharge of a firearm at a person or persons. It is uncontroverted that there was "known criminal activity" which had been committed in the immediate vicinity. Officer Hitz and his partner were aware from the dispatch alerts that, only minutes before their encounter with [REDACTED] OEMC had received multiple 911 calls reporting shots fired from locations within approximately one-half mile of where the officers were patrolling, and, in particular, of the shots fired nearby at the grocery store. Furthermore, evidence linking [REDACTED] to the commission of that shooting was learned when the officers happened upon the Black, Red and Gray cars arranged at the intersection of Roosevelt and Homan in a suspicious manner. Occupants of the Gray Car told the officers that they had just seen someone in the Black car discharge a firearm, and when the officers pulled over the Black Car, [REDACTED] immediately fled on foot. Moreover, when Officer Hitz encountered [REDACTED] at the fence, he saw that [REDACTED] did in fact possess a handgun. The report of shots being fired in the area, a civilian report that a passenger of the black car [REDACTED] occupied had committed a drive-by shooting, [REDACTED] flight from his vehicle, and [REDACTED] possession of a hand gun were all facts known to Officer Hitz. The totality of these facts are such that a reasonable officer would believe there was probable cause to arrest [REDACTED]. Furthermore, [REDACTED] flight and failure to comply with Officer Hitz's verbal commands demonstrate that he was attempting to defeat arrest. Accordingly, a reasonable officer in Officer Hitz's position would have believed [REDACTED] was a forcible felon who was attempting to evade arrest. Therefore, Officer Hitz's use of deadly force was justified under CPD policy, Illinois law, and Supreme Court legal precedent.

## CONCLUSION AND FINDING

Based on the totality of the circumstances, Officer Sean Hitz' use of deadly force against [REDACTED] was objectively reasonable, and therefore, within Department Policy. A preponderance of evidence demonstrates that [REDACTED] presented an imminent threat of death or great bodily harm to Officer Hitz when Officer Hitz confronted [REDACTED] who was armed. As such, the use of deadly force by Officer Hitz against [REDACTED] was objectively reasonable and, therefore, within Department Policy as outlined by the Chicago Police Department's General Order 03-02-03, III, and complied with Illinois State statute and applicable constitutional standards.

Approved:

[REDACTED]

Sharon K. Farley  
Chief Administrator, IPRA