

INDEPENDENT POLICE REVIEW AUTHORITY
PUBLIC REPORT OF INVESTIGATION

INVESTIGATION

NUMBER: LOG# 1016083/U# 08-10

**OFFICER(S)
INVOLVED:**

“Officer A” (Chicago Police Officer); Male/White; 47 years old; On-duty; In uniform; Year of Appointment — 1999

“Officer B” (Chicago Police Sergeant); Male/Asian; 50 years old; On-Duty; In uniform; Year of Appointment — 1990

“Officer C” (Chicago Police Officer); Male/White; 31 years old; On-Duty; In uniform; Year of Appointment — 2000

“Officer D” (Chicago Police Officer); Male/White; 32 years old; On-Duty; In uniform; Year of Appointment — 1999

**OFFICER
INJURIES:**

None reported

**SUBJECT(S)
INVOLVED:**

“Subject 1”; Male/Hispanic; 24 years old

**SUBJECT
INJURIES:**

Four Gunshot wounds. One shot to the face, one to the throat, one shot to the front chest and one to the left thigh.

**INITIAL
INCIDENT:**

Attempted armed robbery

DATE/ TIME:

26 April 2008, 1930 hours

LOCATION:

9647 S. Ewing
Beat 432

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SUMMARY OF INCIDENT:

At approximately 1845 hours, on 26 April 2008, Subject 1, a former employee of a local business, entered the store and spoke to the owner, Witness 1, about getting his job back. Subject 1 had been terminated in July of 2007. After some conversation the owner told Subject 1 he would have to leave as the shop was closing. Witness 1 and an employee, Witness 2, turned away to padlock the doors and when Witness 2 turned back around, Subject 1 had a gun out and was pointing it. Subject 1 stated that he wanted money and wanted to go into Witness 1's office where the safe was located. Subject 1 ordered the employees to the back of the store and went to lock the front entrance of the store. Another employee, Witness 3, who was waiting up front, was ordered by Subject 1 to go to the back of the store with Witness 1 and Witness 2. While Subject 1 was locking the front door, Witness 1 escaped through a back door; Witness 2 and Witness 3 barricaded themselves in a utility room off of the kitchenette. Still yet another employee, Witness 4, who had been seated in a chair when Subject 1 first pulled a gun, was able to barricade himself inside Witness 1's office. Subject 1 attempted to enter both rooms, the utility room and Witness 1's office, and fired his weapon multiple times in order to gain entry. Witness 1 called 911 after escaping and officers responded from the 004th District and observed the subject, Subject 1, with a weapon inside the store. 004th District officers made appropriate notifications and the Special Weapons and Tactics Team "SWAT" was notified of a hostage situation. Upon arrival and when staging, the SWAT team heard shots being fired from inside the store so the decision was made to make entry for the sake of the hostages.

Upon entry, the SWAT team saw Subject 1 with a gun. Subject 1 ran to the rear of the store and fired several shots. The team proceeded to the rear of the store reaching a landing with a stairway leading to a lower level garage area where Subject 1 was hiding. Subject 1 emerged from a small wooden enclosure inside the garage area and fired several times at the officers. He then retreated back inside the enclosure. The officers continued down the stairs and before they reached the floor, Subject 1 again emerged and pointed his weapon at the officers. The officers fired at Subject 1 who again retreated back inside the enclosure. The team proceeded to the enclosure and found Subject 1 on his back with a semi-automatic handgun next to his left hand. Medical assistance was then called. Subject 1 was pronounced dead on the scene.

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Witness 1 related to the Roundtable panel an account that was consistent with the Summary of Incident. Witness 1 stated that Subject 1 entered the store and spoke with him about a job. Subject 1 was asked to leave his phone number and with that he sat in a massage chair until closing a short time later. When Subject 1 was going to add another dollar in the massage chair, Witness 1 told him that the store was closing and that he would have to leave. Witness 1 and another employee, Witness 2, went to lock up and at this time, Subject 1 came up behind them, pointing a gun. Subject 1 ordered Witness 1 to open the register. Witness 1 stated that he was able to escape when Subject 1 went to get Witness 3 who was standing by the front door. Witness 1 stated that he escaped through the overhead garage door and went to a neighbor's home and called 911. Witness 1 stated that when he returned to the alley he informed an officer that three of his employees were still inside the store and that Subject 1 had a gun. Witness 1 stated that he then called the office phone and spoke with Witness 4 who informed Witness 1 that he had barricaded himself inside the office by pushing the desk against the door to keep Subject 1 out.

Witness 2 related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Witness 2 stated further that after Subject 1 forced Witness 3 to go to the kitchenette area with him (Witness 2), Subject 1 went to the front door and locked the padlock. Subject 1 then realized that Witness 1 was gone. Subject 1 then spent several minutes running around the store searching for Witness 1 but

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then realized that he had escaped. Witness 2 stated that Subject 1 then forced him and Witness 3 to give him their cell phones. Subject 1 also took Witness 2's car keys. Subject 1 noticed the overhead garage door was open. When Subject 1 went over to relock that door, Witness 2 stated that he and Witness 3 ran into a small utility room off of the kitchenette and closed the door. Witness 2 realized that Subject 1 had locked both doors with padlocks and now had no way of exiting the store. Witness 2 stated that the room he and Witness 3 were in had two doors. One of the doors had a lock but the other one, the one off of the kitchenette area only had a small hook. Witness 2 stated that he and Witness 3 had to hold the door closed the entire time in order to keep Subject 1 out. Subject 1 knocked on the door but Witness 2 told him the door was locked. Witness 2 stated that he could hear Subject 1 in the kitchenette area and he could also hear the officers outside asking Subject 1 to surrender. Witness 2 stated that he heard Subject 1 giggling and laughing but not saying anything to the officers.

Witness 2 stated that he then heard gunshots that sounded like they were coming from the kitchenette area and then several minutes later he heard more shots and heard Subject 1 running down the metal stairs. Witness 2 stated that he then heard the officers enter the store. Witness 2 stated that he then heard what he thought were different shots fired and shots that sounded like they were coming from Subject 1's gun. The officers entered the room where he and Witness 3 were hiding several minutes later.

INVESTIGATION (Continued):

Witness 3 related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Witness 3 stated that he heard Subject 1 fire the gun he had several times but did not know who he was shooting at. Witness 3 stated that several minutes later, he heard Subject 1 fire his gun again. Approximately thirty seconds later, he heard the officers enter the store. Witness 3 stated that he then heard a lot of gunfire and then the officers asked him and Witness 2 to open the door.

Witness 4 related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Witness 4 stated that he was barricaded in Witness 1's office and that Subject 1 kept trying to get in. Witness 4 stated that he and Subject 1 never spoke so he figured that Subject 1 thought that he was Witness 1 barricaded in his own office. Witness 4 stated that he could see Subject 1 on the video monitor, moving around the store. The video did not cover the garage area or inside the kitchenette so Witness 4 could not see what Subject 1 was doing. Witness 4 further stated that he did not know where Witness 2 or Witness 3 had gone as he could not see them on the monitor.

Witness 4 pushed a desk against the door to keep Subject 1 out but he became concerned when he heard Subject 1 tearing the door apart. Witness 4 stated that he pulled a wall air conditioner down in an attempt to escape the office to the garage but the air conditioner was so heavy it fell. Witness 4 stated that Subject 1 heard the noise, ran to

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the garage area and started shooting at the opening where the air conditioner had been. Witness 4 stated that it was at this time he heard the officers enter the store, heard more shots fired and then heard even more gunshots being fired. Witness 4 then stated that the officers asked him to open the office door for them.

A Chicago Police Department Officer related to the Roundtable panel that he responded to the armed robbery in progress call at 9647 S. Ewing. The Chicago Police Department Officer stated that he parked by the gate and noted that a sliding door was open in the front entrance. The Chicago Police Department Officer stated that one of the individuals inside the store pointed to indicate that the subject was inside the store.

The Chicago Police Department Officer radioed for back up and walked around to the back of the store and encountered Witness 1 who stated that he had called 911 and that there were three hostages still inside the store with an armed gunman. A perimeter was then set up.

A Chicago Police Department Detective related to the Roundtable panel that he arrived at the scene, 1920 hours, and set up in the Command Van that was parked around the corner from the store. As hostage negotiator, the Chicago Police Department Detective called the business telephone and made contact with Witness 4. The Chicago Police Department Detective stated that he could not understand Witness 4 because his

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voice was muffled and low. Several more calls were made to the business number but no one answered. The Chicago Police Department Detective learned that entry was being made as he was attempting another phone call.

Officer B related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Officer B stated that upon arriving at 9647 S. Ewing, he learned that there was one armed subject and three hostages inside the business. Officer B stated that while he was assembling an Action Team he heard shots being fired from inside. Officer B stated that officers observed Subject 1 appearing at a door several times and point a semi-automatic pistol at them. Officer B radioed the SWAT Incident Commander and requested permission to make entry. When preparing to make entry, one of the team members observed Subject 1's head towards the rear of the business. The team entered in a "stack formation," led by Officer B, and moved towards the area where Subject 1 was last seen. Officer B stated that as the team approached a doorway, the team heard shots and saw muzzle flashes coming from the darkened garage area. The team started going down the stairs leading into the dark garage when they observed Subject 1 emerge from a small enclosed room and point his weapon at them. The officers fired their weapons at Subject 1. Officer B stated that he was at the bottom of the stairs when he fired.

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The team approached the area where Subject 1 was observed and Officer B deployed a noise flash. Officer B stated that he and the team approached the room where Subject 1 was seen and observed him on the floor with a gun next to him. Officer B requested medical attention, and checked Subject 1's vitals and found none. The business was cleared and the hostages found.

Officer C related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Officer C stated that he was the third officer in the "stack formation" behind Officer A. Officer C stated that he was on the landing when he fired his weapon at Subject 1.

Officer D related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Before entering the store, he observed Subject 1 inside the store, pointing his gun at officers through the doorway. Officer D moved back but kept his eyes on the doorway. Officer D observed Subject 1 peeking his head through the square cut in the door watching the officers. Officer D was the fourth person in the stack behind Officer C. Officer D stated that he was standing on the landing when he fired his weapon at Subject 1.

INVESTIGATION (Continued):

Officer A related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Officer A stated that he was the second officer in the “stack formation” behind Officer B.

Officer A stated that he was standing near the bottom of the stairs when he fired at Subject 1. Officer B called upon Officer A to render aid to Subject 1 who was on the floor in the small enclosed room.

In a statement to the IPRA on 11 Mar 09 the Involved Member Officer B provided an account of the incident that is consistent with the Summary of Incident, related Department reports and the account he provided to the Roundtable panel. Officer B stated that on the night of the incident, he was assigned as the Special Weapons and Tactics (SWAT) Sergeant, supervising the heavy weapons car manned by SWAT officers. Officer B responded to the hostage, robbery situation at S. Ewing and spoke to the owner of the store in question.

Officer B was informed that three employees had locked themselves in an office and a bathroom and that there was one gunman, armed with a handgun and further that he had threatened to kill everybody. Officer B deployed his manpower and relieved the district officers from the scene. Officer B stated that the subject, now known as Subject 1, appeared several times at an interior doorway that had a little square window and

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looked out. Officer B stated that the decision to make entry was made by the Deputy Chief when he (Officer B) heard and reported that multiple gunshots were coming from inside the store. It was assumed that Subject 1 was trying to shoot the hostages. Officer B heard six or seven shots from inside the store. Officer B stated that the team, consisting of himself, Officers A, C, D and another Chicago Police Department Officer, entered the store in a stack formation. Upon entry, Subject 1 was observed heading towards the rear of the business. The team headed straight towards the rear of the store and as the team approached the large garage area, Officer B saw muzzle flashes and heard gunfire as they approached. Officer B stated that he had a general idea where Subject 1 was and where the hostages were. Officer B stated that after he heard the gunshots, he saw Subject 1 heading towards the rear of the business. Officer B did not see any of the hostages when he entered the store. He did hear gunfire and saw muzzle flashes. The other Chicago Police Department Officer broke from the stack to secure the hostages. Subject 1 continued to fire as the team walked to the back room. Subject 1 ducked into the utility/storage room inside the large garage which is about twenty feet lower than the main level of the store. Officer B stated that when he cleared the doorway of the garage, at the top of the stairs, Subject 1 disappeared into the utility room. The garage was pitch black. Officer B and Officer A were at the bottom of the stairs when Subject 1 came out and started firing again. Officers D and C stayed on the landing. Officer B was able to see Subject 1, holding a pistol, using his (Officer B) pistol's light attachment, when he (Subject 1) emerged from the utility room and started firing again.

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Someone yelled “gun.” Officer B and the other officers fired at Subject 1 at this point and Subject 1 retreated back into the utility room. Officer B deployed a noise flash device, entered the utility room and found Subject 1 laying face up with a gun by his left hand. Officer B called for an ambulance though Subject 1 appeared to be deceased. Officer B stated he was standing on the stairs about fifty to seventy-five feet from Subject 1 when in fear for his and his team’s lives, he fired his weapon at Subject 1.

In a statement to the IPRA on 17 Feb 09 the Involved Member Officer C provided an account of the incident that is consistent with the Summary of Incident, related Department reports and the account he provided to the Roundtable panel. Officer C observed Subject 1 walk up to the windows of the store four or five times, prior to the SWAT team entry, and that he (Officer C) shouted to him (Subject 1) in broken Spanish to show his hands. Subject 1 did not respond. After entry was made into the business and the team had proceeded to the garage area, Officer C yelled “Gun!” and fired his weapon from the landing when Subject 1 emerged from a doorway with a pistol raised in his direction.

In a statement to the IPRA on 18 Mar 09 the Involved Member, Officer D provided an account that is consistent with the Summary of Incident, related Department reports and the account he provided to the Roundtable panel. Officer D stated that when he arrived at the location of the incident, he observed a male/Hispanic, now known as

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Subject 1, pop his head out from a darkened portion of the building and point a gun at responding officers who were in the street in front of the business. Officer D stated that “we” were shouting to Subject 1 but never got a response.

In a statement to the IPRA on 07 Apr 09 the Involved Member, Officer A, provided an account of the incident that is consistent with the Summary of Incident, related Department reports and the account he provided to the Roundtable panel.

The report from a Chicago Police Department Assistant Deputy Superintendent (“ADS”) included an account of the incident that is consistent with the Summary of Incident.

A canvass was conducted and a witness, Witness 5, was identified, however Witness 5’s version of events was inconsistent with the incident and she was not interviewed.

A video obtained from the local business depicts a male/Hispanic believed to be Subject 1 pointing at two male/Hispanics while holding an object in his hand. The male/Hispanic points towards a back doorway and the two male/Hispanics walk towards the doorway and out of the view of the camera. Subject 1 is observed walking back and forth from room to room several times in the next forty-five minutes, coming in and out

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of view of the camera. The SWAT team is observed entering the business in a “stack formation.” Moments later, more officers are observed entering and exiting the business. The cameras within the business did not capture the shooting that occurred in the garage area of the business. There were no cameras set up in the garage or kitchenette area of the business. The video did not contain audio and was jumpy and grainy, making it difficult to view.

In an interview with IPRA on 27 Apr 08 Witness 1 stated that on the evening of the incident Subject 1 came to the store seeking re-employment. Witness 1 stated that he told Subject 1 that he had no positions available but that he (Subject 1) should write down his phone number for future information. Subject 1 went to the front of the store and continued to linger there.

Witness 1 stated that he wanted Subject 1 to leave as it was about 1900 hours but Subject 1 used the bathroom, came out and placed one dollar in the massage chair. At this time there were three employees in the store, Witness 2, Witness 4 and Witness 3. Witness 1 then told Subject 1 that it was time to leave, but Subject 1 seemed to be acting different and did not want to leave. Witness 1 turned around to lock the gate and saw that Subject 1 was pointing a gun at him and the three employees. Subject 1 asked for money and stated, “I’m going to fuck you guys up.” Witness 1 opened the register and told Subject 1 that he would give him what he had. Subject 1 then told everyone to go into a

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room. Witness 1 stated that it was at this time, as he headed to the garage door, he (Witness 1) ran outside to a neighbor's house and called the police. Witness 1 called Witness 4 who remained inside the store and confirmed that Subject 1 was still inside the business. Witness 4 made no mention of shots being fired. Witness 1 stated that Subject 1 fired no shots while he (Witness 1) was inside the business.

In an interview with IPRA on 27 Apr 08 Witness 2 stated that he was working at the store, around closing time, when a former employee he knew as "[Alias 1]" (Subject 1) entered the store. Witness 2 was trying to close and have Subject 1 leave when he (Subject 1) pulled a gun on him and Witness 1. Subject 1 saw Witness 3 standing at the door and made him go to the back of the store with Witness 1 and Witness 2. Witness 2 stated that it was about this time that Witness 1 got away because Subject 1 was not looking. Subject 1 was trying to get all of the employees together but Witness 4 was gone, perhaps hiding in the bathroom as the door was locked. Subject 1 told Witness 2 and Witness 3 to go to the kitchen area and not to move. When Subject 1 walked away, Witness 2 and Witness 3 went into a small storage room and shut and locked the door. The two held a second door shut. At this time, Witness 2 heard police outside and heard them talking to Subject 1. After about an hour, Witness 2 heard Subject 1 in the kitchen area. Subject 1 then tried to enter the room Witness 2 and Witness 3 were hiding in. Witness 2 stated that he kept telling Subject 1 that the door was locked. Witness 2 heard Subject 1 firing his gun. Witness 2 knew it was Subject 1's gun because the sound was

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very loud. Witness 2 did not know what Subject 1 was shooting at; no bullets went through the door or wall. While this was happening, Witness 2 stated that he could hear Subject 1 in the kitchen area, laughing, drinking water and trying to find something to eat. Several minutes after Subject 1 fired his gun the first time, he fired a second time. Witness 2 stated that this time, something hit him and he thought he had been shot. Witness 2 realized that a small piece of something, perhaps from the wall, had fallen and hit him. After the second time Subject 1 fired his gun, Witness 2 could hear the police entering the store.

Witness 2 heard Subject 1 run down the stairs into the garage area and then Witness 2 heard several shots. Witness 2 did not know who fired the shots but then he heard a lot of guns shooting. The officers then entered the room where Witness 2, was hiding. Witness 2 stated that the whole time that Subject 1 was in the store, he could hear the police trying to talk to him through a loud speaker. Witness 2 stated that the whole time, Subject 1 was giggling and laughing but not saying anything.

In an interview with IPRA (translated from Spanish to English) on 27 Apr 08 Witness 4 stated that he was working with Witness 1, Witness 2 and Witness 3 on the night of the incident. Witness 4 stated that it was at closing time when Witness 1 told (Subject 1), "[Alias 1]," that it was time for him to go. Witness 4 was at the front counter cash register when he overheard Subject 1 tell Witness 1 to open up the safe and heard

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Witness 1 tell Subject 1 that there was nothing in it. Witness 4 ducked down and hid when Subject 1 went to the front door and locked it. Witness 4 then crawled on the floor over to Witness 1's office. Witness 4 locked himself in and pushed a desk in front of the door so that Subject 1 could not enter. Witness 4 stated that the office had a monitor from which all of the in-store cameras were viewed and from there, he was able to watch Subject 1 take Witness 3 and Witness 2 into the kitchen area. There are no cameras in the kitchen or beyond it.

Witness 4 observed Subject 1 on the monitor, approach the office door where he, Witness 4, was hiding. Subject 1 knocked and attempted to gain entry but the desk was up against the door. Witness 4 stated that at one point, Subject 1 had a knife and was trying to use it to rip the door open. Witness 4 stated that he was on the floor, up against the desk, trying to keep the door closed because it was beginning to move with the force of Subject 1's blows. Subject 1 left for a short time but then returned and began shooting at the door with a gun.

Subject 1 was unable to enter the room that Witness 4 was in and he went back to the kitchen area where Witness 4 was unable to observe him on the monitor. Witness 4 stated that when Subject 1 went to the kitchen area Witness 4 tried to remove an air conditioning unit that was in the office window in an attempt to escape. The unit fell, however, and when Subject 1 heard the noise, Subject 1 ran into the garage area and

INVESTIGATION (Continued):

started shooting at the office window. Witness 4 got on the ground and then heard the police enter the store. Witness 4 stayed on the floor until the officers opened the office door. Witness 4 did not see Subject 1 again nor did he know what happened to him.

In interview with IPRA on 30 Apr 09 (translated from Spanish to English) Witness 3 stated that on the evening of the incident, he had gone to the store to collect his money and return a ladder to Witness 1. At this time, he observed an individual he knew as "[Alias 1]" (Subject 1) talking to one of the employees. While Witness 3 was waiting for Witness 1, Subject 1 approached him, asked him who he was, and then told Witness 3 that it would be better for him if he left. Witness 3 stated that he told Subject 1 that he was there to see Witness 1. Subject 1 entered an office area and then came out holding a black, automatic gun. Witness 3 stated that Subject 1 pointed the gun at him and another employee whose name Witness 3 did not know and forced them into the kitchen area. Subject 1 took their money, wallets and cell phones and instructed them to stay in the kitchen area while he went to look for Witness 1.

As soon as Subject 1 walked away, another employee known as "[Alias 2]" barricaded himself in Witness 1's office. Witness 3 stated that about four to five minutes later, a male officer, who was either Hispanic or white and dressed in civilian clothing, arrived and told him and the other employee to be quiet. The other employee told the officer in English that Subject 1 was on the other side of the building. Witness 3 stated

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that the officer went looking for Subject 1 and he and the other employee barricaded themselves in another room and closed the doors.¹ They placed a small table in front of one of the doors. Subject 1 came back and tried to open the door but they did not let him in. Subject 1 fired once at the wall. Witness 3 stated that he could hear Subject 1 laughing and walking up and down a set of stairs. Witness 3 could not understand what Subject 1 was saying. Several minutes later, Witness 3 heard a door being opened and heard someone yelling, "Stop" in English and thought it was the police. Witness 3 heard Subject 1 fire one more time then heard more shots being fired at a much faster pace. Witness 3 was not sure how many shots he heard. Moments later, officers entered the room and he and the other employee were taken to the waiting room. Witness 3 was not certain how many shots the officers or Subject 1 fired, but he heard Subject 1 shoot at the door to the room he was hiding in twice.

Witness 3 did not see the officers or Subject 1 fire their weapons but he could hear the difference in the sound of Subject 1's gun firing and the officers' guns firing. Witness 3 stated that when Subject 1 fired, it was short and when the officers fired, the shots came out much faster and closer to one another.

¹ A check of the video provided by the local business did not depict any male/whites or male/Hispanics inside the business minutes after Subject 1 took hostages. There are no individuals depicted on the camera until after the SWAT team makes entry into the building. Several officers in civilian clothing are observed entering the building at that time.

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The Tactical Response Reports from the involved officers indicate that Officer A fired four (4) times, Officer D fired three (3) times, Officer C fired four (4) times and Officer B fired seven (7) times.

The Case Supplementary Report from Area 3 includes accounts of the incident that are consistent with the Summary of Incident and the accounts provided at the Roundtable.

The Office of Emergency Management and Communications (“OEMC”) Event Query provides information consistent with the Summary of Incident. The OEMC Event query indicates a man escaped via the back door of the local business and that the offender was still inside with three employees; shots fired inside the building were heard; SWAT entered and more shots were fired; ambulance requested; and notifications were made that the offender was deceased and the hostages were all okay.

The Evidence Technician Photographs depict the location of the incident; the damaged interior doors; interior rooms of the local business; the interior of the garage of the local business; the body of Subject 1; a knife found under Subject 1’s body; and a gun in the area of Subject 1’s body.

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A report from the Illinois State Police, Division of Forensic Services ("ISP") dated 30 July 2008, reflects that of the fired evidence recovered at the scene and at the autopsy, three (3) cartridges were matched to Officer A's weapon; three (3) cartridges were matched to Officer D's weapon; four (4) cartridges were matched to Officer C's weapon; seven (7) cartridges were matched to Officer B's weapon; three (3) bullets could not be identified or eliminated as having been fired from Officer B's weapon; and nineteen (19) cartridges were matched to Subject 1's weapon. All four officers' weapons were examined, found to be in firing condition and test fired.

A report from the ISP dated 28 May 2008, reflects that there were no latent impressions suitable for comparison regarding Subject 1's weapon, a Taurus, PT92, 9mm semi-automatic pistol.

A report from the ISP dated 26 January 2009, reflects that the sampled areas of clothing recovered from Subject 1 contacted a PGSR related item or were in the environment of a discharged firearm.

The Medical Examiner's Report indicates that Subject 1 had a gunshot wound entrance the right side of the neck and a bullet was recovered from the left chest wall; a gunshot wound that entered the anterior chest and a bullet was recovered from the liver; a through and through gunshot wound of the right lateral chest; a through and through

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wound of the left thigh; and a graze wound of the right lateral thigh. The cause of death is multiple gunshot wounds and the manner of death is homicide.

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CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A, Officer B, Officer C and Officer D was in compliance with Department Policy and State statutes. According to the Chicago Police Department's General Order No. 02-08-03, III.

Department Policy:

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

The officers' actions were in accordance with the requirements of the Department's deadly force policy. When the Special Weapons and Tactics (SWAT), responded to 9647 S. Ewing, there was already an armed robbery and hostage incident occurring. Upon hearing the shots from inside the shop and fearing for the lives of the hostages, the SWAT Team made an approved entry into the business and Subject 1, who

CONCLUSION AND FINDING (Continued):

fired his weapon at the Team, retreated to the lower garage. Subject 1 took cover in a room in the garage and when the Team reached the stairs and was descending to the garage area, Subject 1 showed himself and fired at the Team again.

At this time the Team returned fire and Subject 1 was fatally wounded, found on his back with a gun by his hand. Subject 1 attempted to commit a forcible felony, which involved the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm. Subject 1 was in retreat, firing his weapon in an attempt to escape by use of a deadly weapon. Subject 1 also presented an immediate threat of death or serious bodily injury. Therefore, the SWAT Team's use of deadly force was in accordance with all of the above conditions of the Chicago Police Department's deadly force policy.