

INVESTIGATION
NUMBER:

U# 07-17, Log No. 1006587

OFFICER #1
INVOLVED:

“Officer A” (Chicago Police Officer); Female/White; 31 years old; On-Duty; In uniform; Year of Appointment – 2000

OFFICER #2
INVOLVED:

“Officer B” (Probationary Chicago Police Officer); Female/White; 24 years old; On-Duty; In uniform; Year of Appointment – 2006

OFFICER
INJURIES:

None reported

SUBJECT:

“Subject 1”; Male/Black; 28 years old

SUBJECT’S
INJURIES:

Deceased. Gun shot to the chest under left nipple; gun shot wound to the back; graze wound across upper chest; gun shot T&T to the left arm bicep.

INITIAL
INCIDENT:

Officers observed subject approaching them with weapons.

DATE/TIME
INCIDENT:

14 June 2007, 1642 hours

LOCATION:

4500 block of S. Wood St.

SUMMARY OF INCIDENT:

On 14 June 2007, at approximately 1642 hours, Officer A, and Officer B,¹ responded to a radio call of a person attempting suicide on the 4500 block of S. Wood Street. The location is residential apartment building with one front and one rear apartment. Immediately north of the address on the 4500 block of S. Wood is a walkway between the property (see Atts. 102, 104, Point A). Immediately south of the residence is an alleyway which connects Wood Street and Honore Street (see Atts. 103, 104, Point B). Honore Street is one block west of Wood Street. There is a chain link fence bordering the south edge of the alleyway (see Att. 104, Point D). The backyard has a four foot high gated fence at its southern edge (see Att. 104, Point C).

Upon arrival, Officer B and Officer A were met by Witness 1, who related that her boyfriend, Subject 1, was in the rear of the home. Officer B and Officer A followed Witness 1 down the alley adjacent to her building (Point B), where they observed Subject 1 exiting the rear door holding a meat cleaver and what appeared to be a metal pipe in his right hand. The pipe was later identified to be a hydraulic storm door cylinder. In his left hand, Subject 1 was holding a Link card that he attempted to hand to Witness 1. The officers instructed Witness 1 to back away from Subject 1. Officer A radioed for a sergeant with a taser. Subject 1 advanced towards the officers and they immediately backed away and instructed Subject 1 to drop the weapons. Officer A discharged her chemical OC spray into Subject 1's face. Subject 1 then moved the item that appeared to be a metal pipe to his left hand and kept the meat cleaver in his right hand while continuing to approach the officers, swinging the meat cleaver in the direction of the officers. Officer A discharged her weapon at Subject 1. Subject 1 dropped the item appearing to

¹ PO Gina Contino was a Probationary Police Officer at the time of the incident, assigned to Unit 144, and detailed to Unit 009.

be the meat cleaver but continued to approach Officer B with the metal pipe in his left hand. Officer B then discharged her weapon at Subject 1. Subject 1 appeared to regain his stance in an attempt to continue toward Officer B at which time Officer A discharged her weapon a final time. Subject 1 died from his injuries. A metal object, now known to be a hydraulic door closer, and a meat cleaver were recovered at the scene.

INVESTIGATION:

Witness 1 related to the Roundtable Panel that after midnight on 14 June 2007, Witness 1 returned home from work and saw that Subject 1, who suffered from bouts of depression and schizophrenia, had cut himself on his arms and expressed a desire to die. She offered to take him to the hospital but Subject 1 refused and stated that he would go later. Later in the afternoon, Subject 1 doused himself with lighter fluid, prompting Witness 1 to call 911 at approximately 1640 hours. Witness 1 stated that she went outside to meet the ambulance but was met by two female police officers at the alley entrance adjacent to the front of the building. Witness 1 asked them why they were there because she was expecting the ambulance personnel. The officers told her that they needed to secure Subject 1 because he was trying to kill himself. Subject 1 then emerged from the rear entrance of the building holding a meat cleaver and hydraulic cylinder in one hand and money and debit card in another hand. Witness 1 stated that Subject 1 reached out to hand her the money and debit card, but the officers pushed her away and drew their weapons. Witness 1 stated that she told the officers that they need to “find another way to handle this.” One of the officers then called for a supervisor with a taser. Subject 1 was now in the backyard holding the cleaver in one hand and the hydraulic cylinder in his other hand. One of the officers then sprayed Subject 1 in the face with mace. Subject 1 wiped his eyes with the back of his hand that still held the cleaver. At that point, while standing three feet or less from Subject 1, both officers shot Subject 1 multiple times, striking him in the leg, chest, and head. Witness 1 screamed, “They killed him!” and was pushed away by the officers. She said Subject 1 did not swing or swipe the cleaver at the officers at any time. (Att. #5).

Witness 2 related to the Roundtable Panel that on 14 June 2007 she was in the front of her residence when Chicago Fire Department personnel arrived. Witness 2 stated that when she looked west down the alley on the south side of her porch, she saw Subject 1 wielding a meat cleaver over his head. He appeared to gesture toward the officers (now known as Officer A and Officer B) as if to indicate, “eenie, meenie, minie, moe” to decide which officer to strike with the cleaver. Witness 2 then saw one of the officers shoot Subject 1 at which time she went into her home with her children. While inside she heard five more shots. (Att. #5).

Firefighter A related to the Roundtable Panel that on 14 June 2007, he and his partner responded to a call of suicide attempt at the location on the 4500 block of S. Wood. It was reported that the subject had no weapons but was trying to burn himself. Upon arrival, a resident at the address instructed Firefighter A and his partner, Firefighter B, to go to the rear door. When Firefighter A and his partner arrived at the rear door, they knocked and announced themselves. A female inside the unit answered, “If it isn’t the police, I advise you to leave because he’s crazy.” Firefighter A stayed in the gangway while his partner returned to the ambulance. Firefighter A reported hearing approximately four shots. (Att. #5)

Firefighter B reported to the Roundtable Panel that he and his partner arrived at the scene responding to an initial call of suicide attempt, “trying to burn himself; no weapons.” Upon arrival he was informed by a neighbor on the front porch that the male neighbor was very dangerous and may be holding his girlfriend hostage. Firefighter B went back to the ambulance and then went to the rear using the gangway on the north side of the building. When he arrived at the rear of the building, Firefighter B saw an officer yelling “Drop the knife! Drop the knife!

I'll spray!" at Subject 1. He then returned to the ambulance to call for an Advanced Life Support (ALS) Unit. After that time, he heard four shots and ran to the alley. He saw Subject 1 on the ground and went to him. Firefighter B observed upper body wounds, but no head wounds. The ALS crew arrived and took over the responsibility for Subject 1. (Att. #5).

Officer B reported to the Roundtable Panel that on 14 June 2007, she and her partner, Officer A responded to a call on the 4500 block of S. Wood. When they reached the rear of the residence, Subject 1 exited the building holding a cleaver and a pole in his right hand and what appeared to be some sort of card in his left hand. Officer B and Officer A had their guns drawn, and Officer A radioed for a sergeant with a taser. Officer A holstered her gun and sprayed Subject 1 with O.C. spray. Subject 1 responded by wiping his eyes. He then turned, swinging the hand with the cleaver in it, and charged at Officer B. Officer A began to take out her asp, stopped, and drew her firearm. Officer A discharged her firearm at Subject 1 who was about five feet from Officer B. Subject 1 continued swinging the cleaver at Officer B who then fired her weapon at Subject 1. Subject 1 continued to charge with the cleaver over his head. Officer B stated that she then fired another shot at Subject 1 who fell to the ground. (Att. #5).

Officer A related to the Roundtable Panel that she and her partner arrived at the scene and parked behind an ambulance. A neighbor directed the officers to the rear of the home. They walked down the alley and they saw Subject 1 exiting the rear of the building and Witness 1 standing in the back yard. Officer A stated that Subject 1 had a knife and a pipe in his right hand and a card in his left hand. Officer A directed him to stop and drop the weapons. She called for a supervisor with a taser. Officer A then holstered her firearm, and took out her pepper spray.

She sprayed Subject 1 with the pepper spray. Subject 1 wiped the spray from his eyes and put one weapon in each hand. He advanced toward the officers, who backed up into the alley. Officer A stated that Subject 1 then raised the knife or cleaver over his head and advanced toward Officer A's partner, Officer B. Officer A stated that she reached for her asp, but decided instead to draw her gun. At that point both officers had their weapons drawn. Subject 1 swiped the meat cleaver at the officers and they jumped back. Subject 1 then raised the "knife or cleaver" over his head and advanced towards Officer B. Officer A fired one shot at Subject 1. Officer B then fired twice at Subject 1, at which time he dropped his meat cleaver. As Subject 1 attempted to pick up the meat cleaver, Officer A fired a second time at Subject 1 at which time he fell to the ground. (Att. #5).

In a statement to IPRA on 11 January 2008, **Witness 1**, girlfriend of Subject 1, related that on 14 June 2007, she called 911 and requested an ambulance for Subject 1, who had attempted to kill himself by dousing himself with lighter fluid with the intent of setting himself on fire. Witness 1 exited her home to meet the ambulance. As she exited her building and approached the gangway/alley, she saw two female officers walking in her direction. Witness 1 told the officers that Subject 1 needed help and she wanted the officers to assist her in getting Subject 1 to the ambulance. As Witness 1 and the officers neared the back door of the house, Subject 1 exited out the back door. Subject 1 had a meat cleaver in one hand and the bar from the screen door and Witness 1's debit card in his other hand. The officers immediately pulled their guns from their holsters. Witness 1 approached Subject 1 and took her money and debit card from his hand. The officers yelled for Witness 1 to step back. Witness 1 explained to the officers that Subject 1 had a mental illness and he was not a threat to anyone but himself.

Witness 1 told the officers that Subject 1 wanted them (the officers) to kill him. After Witness 1 explained this to the officers, both officers secured their weapons back inside of their holsters. The bigger officer (identified via Department reports as Officer A)² then requested a sergeant with a taser. As Subject 1 walked towards the officers, still armed with the cleaver and hydraulic cylinder, Officer A removed her baton, put it back, and retrieved her mace instead. Officer A then discharged her mace. Subject 1 began wiping his eyes while still holding onto the meat cleaver and hydraulic cylinder. The officers repeatedly yelled for Subject 1 to put his weapons down but he continued to walk down the alley with the officers following closely behind him. Officer B then shot Subject 1 once in the leg. Subject 1 stumbled but he did not fall. At that time, both officers shot him in the chest. Subject 1 then dropped the cylinder and began to fall to the ground. As Subject 1's back was turned to the officers, one of the officers then shot Subject 1 in the back of the head. Subject 1 then fell to the ground while still clutching the meat cleaver.

Witness 1 stated that Subject 1 never lunged at the officers and he did not swing the weapons at the officers. Witness 1 stated that the officers appeared to be afraid and inexperienced in dealing with mental patients and they failed to talk and/or reason with Subject 1. Witness 1 explained that Subject 1 suffered from paranoid schizophrenia and although he was on medication, he had not taken it. Witness 1 stated that the day prior to the shooting, the police responded to her home after Subject 1 cut himself in an attempt to kill himself. However, Subject 1 had refused to go to the hospital with the officers. Witness 1 also stated that Subject 1

² According to Department Reports, Officer A is listed as being 5'8" and 175 lbs. while Officer B is listed as 5'10 and 190 lbs.

had very poor vision, was nearly blind, and had lost his contacts which she believed contributed to his paranoia. (Att. #46).

A search of **Department Reports** for service calls documents that three phone calls were placed from the address on the 4500 block of S. Wood on 13 June 2007. The first two calls were placed at approximately 1216 and 1218 hours reporting a smell of gas leak. At 1306 hours, a male caller, calling from a number with an Arkansas are code (870), called 911 and requested police service at an address on the 4500 block of S. Wood. The male caller reported that his girlfriend was breaking the windows. The dispatcher noted that she could hear glass breaking and a woman yelling in the background. The responding beats conducted a LEADS check on Subject 1, relocated one of parties was relocated to 31st and Ashland, and coded the job out as D/1F (peace restored). (Att. #100).

In a statement to IPRA on 11 January 2009, **Witness 3** related that he was walking from his back door to the side door of his residence when he heard a female voice, “Drop the fucking knife.” Witness 3 walked to the front of the house and observed two uniformed female officers pointing their guns at a black male (now known as Subject 1) in a gangway across the street. Witness 3 stated he did not know Subject 1 and had never seen him prior to this incident. One of the female officers again yelled for Subject 1 to drop the knife. Witness 3, who only had a side view of Subject 1, saw one of Subject 1’s hands raised in the air but could not see Subject 1’s other hand. Subject 1 did not have an object in the raised hand but Witness 3 did not know if Subject 1 was holding anything in his other hand. Although the officer repeatedly told Subject 1 to drop the knife, he remained in the same position and did not move. Witness 3 stated that he

then heard several gunshots and saw Subject 1 fall to the ground. Witness 3 related that he did not know which officer shot Subject 1 because they both had their guns pointed at him. After Subject 1 was shot, Witness 3 ran to the rear of his house to alert his family. He believes the officers were approximately twelve feet from the male when they discharged their weapon. (Att. # 68).

In a statement to IPRA on 31 March 2009, **Witness 4** related that while looking out of her screen door, she observed a black male (now known as Subject 1) standing across the street and facing westbound with his back to Witness 4. She then observed a female officer pointing her gun at Subject 1 while repeatedly yelling "Stop!" However, Subject 1 continued walking slowly away from the officer. Each time the female officer yelled for him to stop, he would slightly turn his head in the officer's direction and continue to slowly walk away from the officer. With her gun still pointed at him, the officer continued to advance towards Subject 1. The third and final time the white female officer yelled for him to stop, Subject 1 walked away but then stopped and faced the officer with his hands raised in the air. Witness 4 stated that she could now see Subject 1's face and the front of his body. Subject 1, who was standing approximately five feet from the officer, had his hands raised and did not have anything in his hands. At this time, Witness 4 turned her attention to her daughter. While speaking with her daughter, Witness 4 heard two shots. She turned back around and observed Subject 1 lying on the ground. Witness 4 stated that she only observed one female officer during the entire incident. Witness 4 did not know the black male and had never seen him prior to this incident. (Att. #74).

In a statement to IPRA on 31 March 2009, **Witness 5** stated that on the date of the incident she was riding her bike on the east side of Wood Street when she looked down an alley and saw a black male facing two white female officers pointing guns at him. Witness 5 could not describe the officers and stated that she wears glasses but did not have them on at the time. She could not see if the man had anything in his hands. As she continued to ride toward her house, she heard someone yell “stop” and then heard two gunshots. Witness 5 turned around and saw the man on the ground. The man tried to stand up and the smaller of the female officers (presumably Officer B based on the physical description obtained from Department Reports as noted in footnote 2) shot him again. (Att. #77).

In a statement to IPRA on 01 November 2010, **Firefighter A** stated that he is a firefighter/EMT for the Chicago Fire Department. On 14 June 2007, he, along with his partner, Firefighter B, responded to a call of a psych patient with no weapons. Upon arrival, he and his partner were directed to the back of the home. He stated that they were advised by a female that the police and firefighters had been at the home the day before. The female also told the pair that if she was them she would leave. Firefighter A stated that as he was walking toward the front of the house and his partner walked toward the back, he spotted a police vehicle. Firefighter A walked eastward down the walkway between two residences on the 4500 block of S. Wood toward the front of the building. As Firefighter A approached the front gate, he heard his partner yell his name and say “don’t walk out there.” Firefighter A stated that as soon as he heard his partner yell, he heard gunshots and he and his partner ran behind the driver’s side of the ambulance. Firefighter A heard the gunshots approximately 5-10 minutes after arriving at the location. After the gunshots ended, a female officer waived him over, notifying Firefighter A

that the psych patient was hit and down. Firefighter A stated that he and his partner called in an upgrade to Advanced Life Support because they were only Basic Life Support and attended to the injured victim. According to Firefighter A, as soon as he cut the victim's shirt open, he was taking his last breath. Firefighter A observed two bullet holes in the victim's torso. The ALS team and a sergeant then arrived and took over. Firefighter A explained that he and his partner arrived on the scene first and he did not see when the officers arrived. He stated that he could only assume that the officers walked down the alley south of the building to get to the rear apartment while he and Firefighter B entered and exited via the walkway on the north side of the building. (Att. # 87, 96).

In a statement to IPRA on 04 November 2010, **Firefighter B** stated that he is a firefighter/EMT for the Chicago Fire Department. Firefighter B stated that on 14 June 2007, he and his partner, Firefighter A, responded to what he recalled was a call about someone attempting suicide. Firefighter B stated that when they arrived at the address on the 4500 block of S. Wood, they could not gain access to the house so they called in a request for assistance. Firefighter B stated that he then walked westward down the walkway, between two residences on the 4500 block of S. Wood, to get to the rear of the building to determine if there was another way to gain access into the building. Firefighter A walked eastward down the walkway toward the parked ambulance. When he walked into the backyard, Firefighter B recalled seeing a Caucasian female officer with her weapon drawn. Firefighter B could not see who she was talking to but heard her say "put the knife down." Upon seeing the officer with her weapon drawn, Firefighter B stated that he retreated toward the front of the house and as he was doing so, heard multiple shots fired. Firefighter B and his partner hid behind the ambulance until they

believed it was safe. When Firefighter B and Firefighter A left their cover and approached the alley, which was on the opposite side of the building from where Firefighter B and Firefighter A had been, he observed Subject 1 lying on the ground with chest wounds. Firefighter B also observed a pipe and a cleaver on the ground. Firefighter B and Firefighter A conducted basic life support procedures but contacted dispatch and requested a paramedic upgrade to advance life support because Subject 1's gunshot wounds were beyond his and his partner's skill level. (Att. #87, 97).

I.P.R.A. attempted to locate and interview **Witness 2** who initially provided her account during the Roundtable Panel. Letters were mailed to her last known addresses on 18 August 2010 and 28 August 2010 and personal visits were conducted on 10 November 2010, 10 January 2011 and 31 January 2011. These attempts were unsuccessful. (Atts. #92-95, 99).

An interview of **Witness Alice Garcia** was conducted. The interview failed to yield any additional investigative information. (Att.# 49).

OEMC Event Queries and CD Transmissions document that on 14 June 2007, at approximately 1640 hours, Witness 1 called 911 and requested an ambulance to the address on the 4500 block of S. Wood. Witness 1 reported that her boyfriend was trying to kill himself in that he poured lighter fluid on his body and was trying to set himself on fire. Witness 1 stated that she wanted someone to take him to the hospital and also reported that "they" had an incident the day prior. Witness 1 did not provide any further information to the dispatcher regarding the previous incident with her boyfriend. OEMC records show that at approximately 1648 hours,

Beat 931 contacted dispatch and requested a sergeant with a taser to an address on the 4500 block of S. Wood for a male who was refusing to put down a knife. Subsequently, at approximately 1653 hours, Beat 931 reported shots fired by the police and a male was struck. (Atts. #25, 62, 105,106).

Department Related Reports, including ADS Patrick McNulty's report, provide accounts of the incident consistent with the Summary of Incident. Additionally, the **Assault Case Report, RD# HN-405140**, documents that while responding to a call of attempted suicide, man trying to set himself on fire, Officer A and Officer B were met by Witness 1 telling them "he's back here." When the officers approached the back of the building, they were met by Subject 1 who exited the building with a meat cleaver. Both officers gave verbal direction to Subject 1 to drop his weapon but Subject 1 refused and walked toward them. Officer A called for a sergeant with a taser and dispensed O.C. spray. Subject 1 lunged at Officer B while swinging the meat cleaver at her. Officer A fired a shot but Subject 1 continued to pursue Officer B. Officer B then fired two shots. Subject 1 dropped the meat cleaver and then bent down to pick it up again. Officer A shot once more and Subject 1 fell to the ground. (Atts. #4, 6).

Additionally, the **Homicide Supplemental Case Report, RD# HN-405484**, and **Detective Canvass Worksheet** document that responding detectives located additional witnesses in their canvass of the location of the incident. CPD detectives identified witnesses Witness 3, Witness 4 and Witness 5 in their canvass reports. Witness 4 heard the police shouting and then heard shots. She did not witness anything prior to the shooting. Witness 5 told

detectives that she was outside and saw two female officers across the street. The officers were pointing guns at a black man. Witness 5 did not know if the man had a weapon. Witness 5 further stated that she saw both officers shoot the man after they told him several times to “stop.” Witness 5 added that she was not sure if the man had a weapon.

Witness 2, who later gave her account at the Roundtable, told detectives that she was seated on the front porch when the ambulance arrived. She told the paramedics to wait for the police because Subject 1 was “nuts.” She reported that on 13 June 2007, Subject 1’s girlfriend, Witness 1, had called the fire department because Subject 1 had done “something” to the gas in their apartment but Subject 1 refused to let the firefighters inside. Witness 2 stated that when the police arrived, she observed Witness 1 direct the officers to the alley entrance. While still on the front porch, Witness 2 heard the officers yell “drop the weapon.” Witness 2 looked over the fence and observed the officers with their weapons drawn. Witness 2 observed Subject 1 raise the knife and walk toward the officers as the officers repeatedly told Subject 1 to drop the knife. Witness 2 stated that she got her kids and ran inside of her apartment. Once inside, she heard several shots, looked out of the window, and observed Subject 1 on the ground. (Atts. #15, 58)

CFD Firefighter B and CFD Firefighter A were interviewed by detectives prior to the Roundtable. In addition to the details they provided at the Roundtable, CFD Witness Firefighter B added that after Firefighter A went to the front of the house, he heard a commotion near the rear. CFD Firefighter B approached the rear and observed Subject 1 walking toward the police officer. The police officer then sprayed Subject 1 with mace. Subject 1 wiped his face and then continued to walk toward the officer. The officer then drew her weapon, at which time CFD

Firefighter B ran to the front of the house. After he approached the front of the house, CFD Firefighter B heard approximately four gunshots. (Att. #58).

Tactical Response Reports (TRRs) document that Officer A used O.C. chemical weapon spray on Subject 1 after he did not follow verbal direction and swung a weapon. The reports further document that both Officer B and Officer A used their firearms on Subject 1 after he did not follow verbal direction, refused to put down his weapon, and swung the weapon at the officers, placing them in fear of their lives. (Atts. #9, 11, 13).

Police Officer Battery Reports document that Officer A and Officer B reported to a call of “mental suicidal” when they were approached by Subject 1 who swung a pipe and a cleaver in an attempt to strike and stab them. The reports document that Subject 1 failed to follow direction and was maced with no effect. The reports further document that Officer B and Officer A feared for their lives and fired their weapons at Subject 1. After Subject 1 was initially shot, he dropped the meat cleaver and then attempted to pick it up again at which point he was shot again before he fell to the ground. (Atts. #10, 12, 14).

The **Chicago Fire Department (CFD) Ambulance Report** documents that on 14 June 2007, at 1645 hours, CFD Firefighter A and Firefighter B responded to the location on the 4500 block of S. Wood. As they entered the rear of the building, a female resident told them that they needed the police because her neighbor was not stable. When the paramedics exited the building, CFD Firefighter B went toward the backyard and CFD Firefighter A walked towards the front because he saw a police car toward the front of the building. Shortly thereafter, shots

were heard. A female officer waved for Firefighter A and his partner. When they approached the officer, the CFD personnel observed Subject 1 lying on his back. Subject 1 had a gunshot wound to his chest. CPR was performed on Subject 1, who had no pulse and abnormal respiration. The CFD Advanced Life Support Unit (ALS) arrived on the scene and administered care to Subject 1. The ALS unit called in to University of Chicago Hospital and spoke with Dr. A, and it was determined that there would not be a need for hospital transport, as Subject 1 was already deceased. (Att. #23).

A **canvass** was conducted by I.P.R.A. but no additional witnesses were located. (Att. #24).

The **Crime Scene Processing Report** documents that Officer B's weapon, a 9 mm Sig Sauer, model P239, was inventoried under number 1106159. Officer A's weapon, a 9mm Sig Sauer, model P228, was inventoried under number 11006162. The fired bullet recovered from the Cook County Medical Examiner's was found in the body wrappings and not inside of Subject 1's body. The bullet was inventoried under number 11006370. A fourteen (14) inch door piston and a thirteen (13) inch meat cleaver, both recovered from the alley, were also inventoried. (Att. #16).

Evidence Technician Photographs and the videotape depict what appears to be the location of incident and recovered evidence. The **Medical Examiner's Photographs** depict what appear to be the recovered bullet, Subject 1, and his clothing. (Atts. #29-41).

The **Illinois State Police Division of Forensic Services Laboratory Report** dated 25 June 2007 states that both Officer A's and Officer B's weapons were examined, test fired, and found to be in firing condition. (Att. #26).

The **Illinois State Police Division of Forensic Services Laboratory Report** dated 13 January 2009 states that the door piston and meat cleaver that was submitted for testing revealed no latent prints suitable for comparison. (Att. #73).

A **post mortem examination** of Subject 1 was conducted by Doctor B. Doctor B stated that she observed a through and through gunshot wound to the right back, a through and through gunshot wound to the left arm, and a graze wound to the left, mid-torso. The gunshot to the right back entered the body 15.5 inches beneath the top of the head and 6.6 inches to the right of the posterior midline. The wound exited the body through the left chest in an area 16 inches beneath the top of the head and 4 inches to the left of the posterior midline. According to the report, the wound coursed from back to front, right to left and downward. The gunshot to the left upper arm entered the body 7.5 inches beneath the top of the shoulder and the wound course completely perforated the upper arm. According to the report, the wound coursed from posterior lateral to medial. There was no evidence of close range fire noted on either wound. Doctor B also observed shrapnel wounds near the graze wound and slash wounds on both arms. Finally, she added that she noticed the odor of butane on his clothing. The cause of death was ruled to be multiple gunshot wounds and the manner of death a homicide. (Att. #27).

In a statement to IPRA on 3 July 2008, **Officer B** stated that on the date and time in question, she and Officer A, who was her field training officer, were working beat were working together. At that time, Officer A was a field training officer. She and Officer A arrived at the scene in question after a call of a person threatening suicide by lighting himself on fire. At the time of arrival, Officer B was not aware of officers reporting to the same home the day before because an individual attempted suicide by cutting himself. While there was an ambulance present at arrival, Officer B and her partner did not speak to the ambulance personnel. Upon arrival, the two officers were met by Witness 1, later known to be Subject 1's girlfriend. Witness 1 directed them to the back of the building where Subject 1 was exiting the home. Subject 1 was holding a knife and a pipe in one hand. He had what appeared to be a debit card and money in another hand. Witness 1 accepted the money and debit card from Subject 1. Officer B stated that Officer A called for a sergeant. Officer A discharged her pepper spray, however, Subject 1 continued to approach them and swiped his knife toward the officers twice. Officer B stated that she and her partner backed up into the fence that borders the south side of the alley. As Subject 1 continued walking towards them, Officer A fired her weapon and then Officer B fired her weapon. Subject 1 was hit in the torso. Officer B believes she discharged her weapon twice and her partner, Officer A, discharged hers three times. Officer B's weapon that day was a 9 mm semi automatic pistol, blue steel with a 3.5" barrel. Officer B stated that both officers were positioned with their backs to the fence when they discharged their weapons. Officer B related that the only thing that Subject 1 said during the entire incident was, "Right here, put it right here," as he pointed to his chest. (Atts. #51, 52).

In a statement to IPRA on 17 June 2008, **Officer A** stated that she arrived at the scene with Officer B in response to a call of a person attempting to commit suicide. Officer A stated that she was not made aware of Subject 1's mental illness upon arrival. There was an ambulance on the scene but Officer A did not have a conversation with the ambulance personnel upon arrival. Officer A was not aware that the day before the incident Subject 1 attempted to cut himself and the police were called. Upon arrival, she and Officer B followed Witness 1 to the back of the building after Witness 1 waived them into the back of the building and stated "he is here." As the two were following Witness 1 into the rear of the building, Officer A stated that Subject 1 exited the rear of the building with a meat cleaver, measuring approximately seven inches long and five inches wide, and a pipe, measuring approximately a foot and a half, in his left hand, and an ID or some sort of card in his right hand. Officer A stated that she and her partner ordered him to drop the items in his hands but Subject 1 did not do as instructed. Instead, Officer A stated that Subject 1 continued to walk toward the gate and toward the officers, causing the two officers to retreat backwards. Officer A then radioed for back up and, in an attempt to stop Subject 1 from advancing, sprayed him with mace in his face. Officer A continued to retreat backward until her back hit the fence bordering south of the alley. Officer A stated that Subject 1 continued to advance toward them, and he switched the knife from his left hand to his right hand. He slashed out toward the officers with his meat cleaver. Officer A and Officer B retreated backwards as far as they could until they were backed into a fence. Officer A stated that Subject 1 began advancing more aggressively and charged toward her partner, still slashing the meat cleaver toward her partner. Officer A stated she shot Subject 1 then in fear for her partner's life. At the same time, her partner fired her gun at Subject 1. Subject 1 doubled over and stopped temporarily, dropping the pipe, but he did not fall and instead rose up seconds

later with the meat cleaver above his head in a threatening manner charging at Officer B again. Officer A fired again which caused Subject 1 to fall to the ground. Officer A recalled firing her weapon a total of three times. She believed Officer B fired her weapon approximately two times. Officer A's weapon that day was a 9 mm semi automatic pistol, blue steel, 3.5" barrel.

Officer A stated that the only thing that Subject 1 said was, "put it right here," as he banged his hand against his chest. At that time, Witness 1 told the officers that Subject 1 wanted them to kill him. Officer A stated that she was unaware of any mental illness that Subject 1 may have suffered from. (Att. #50).

CONCLUSION AND FINDING:

The investigation found that the use of deadly force by Officer A and Officer B was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order 02-08-03, III:

- A. "a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:
1. to prevent death or great bodily harm to the sworn member or 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 deadly weapon or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

Officer B's and Officer A's actions were in accordance with both conditions of the Chicago Police Department's deadly force policy. Although several witnesses did not observe anything in Subject 1's hand, Witness 1, the girlfriend of Subject 1, who was the closest in proximity to the officers and Subject 1, related that Subject 1 was holding a door piston and meat cleaver in his hand when police arrived on the scene. Witness 1 corroborated the fact that Subject 1 refused to follow the officers' verbal orders to drop the weapons.

Subject 1, after having been reported as suicidal, refused to comply with Officer A's and Officer B's repeated orders to put down his weapons and stop moving. Subject 1 swung the meat cleaver at the officers. Even after being sprayed with chemical OC spray, he continued to advance towards the officers threatening them with the meat cleaver. Thus, Officer B and Officer A believed that Subject 1's actions amounted to "a forcible felony which involved the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm." The inference could be made that Subject 1 was also attempting to escape by the use of deadly weapons when he did not heed the officers' orders. Additionally, by approaching the officers while swinging the cleaver, Subject 1 threatened the officers with great bodily harm or death. The officers reasonably believed that they were preventing death or great bodily harm to themselves when they fired at Subject 1 as he approached them with his weapons.