

INDEPENDENT POLICE REVIEW AUTHORITY  
PUBLIC REPORT OF INVESTIGATION

**INVESTIGATION**

**NUMBER:** U #06-19

**OFFICER**

**INVOLVED:** “Officer A” (Chicago Police Department Officer); Male/Black; 33 years old; On Duty; In Uniform; Year of Appointment 2001

**OFFICER’S**

**INJURIES:** Swelling and soreness to left ring finger and right leg.

**SUBJECTS:** “Subject 1”- Male/Black; 52 years old

**SUBJECT’S**

**INJURIES:** Multiple gunshot wounds. Fatal.

**INITIAL**

**INCIDENT:** Shoplifting

**DATE/TIME:** 03 June 2006, 2203 Hours

**LOCATION:** 2101 E. 71<sup>st</sup> St. (Dominick’s Finer Foods)  
Beat 333

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## SUMMARY OF INCIDENT:

On 03 June 2006, at approximately 2203 hours, Officer A and Officer B responded to a "Theft in Progress" call at the Dominick's Finer Foods at 2101 E. 71<sup>st</sup> St. Officers C and D also responded as back-up for Officers A and B. Upon arriving at the store the officers were informed that Loss Prevention Agents were monitoring the two offenders (NKA as Subjects 1 and 2) who had walked through the store taking retail eye glasses<sup>1</sup> and removing the price tags. Officers A and B decided that they would wait near the exit while Officers C and D monitored Subjects 1 and 2 as they passed the last point of purchase. Officers A and B approached Subject 2 while Officers C and D approached and spoke with Subject 1. Officers A and B placed Subject 2 into custody while Officers C and D stayed with Subject 1. Subject 1 became argumentative and refused to comply with verbal direction. Officer A approached Subject 1 to assist Officers C and D. Officer A placed a handcuff on Subject 1's left wrist. Because of Subject 1's size Officer A attempted to use a second pair of handcuffs on Subject 1, but he jerked away and began to struggle with Officer A. Officer A then discharged his OC spray at Subject 1, who continued to resist and attempted to move toward the store's exit. Officer A held onto the handcuff attached to Subject 1's left wrist. Subject 1 had his right hand in his right front pants pocket and refused to comply with Officer's A orders to remove his hand from the pocket. During the struggle Officer A saw Subject 1 pull a black, semi-automatic handgun from his pocket. Subject 1 pointed the gun directly at Officer A. Officer A dropped his OC spray to the floor, drew his firearm and fired eleven times at Subject 1, fatally wounding Subject 1.

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<sup>1</sup> When interviewed several witnesses referred to the stolen glasses as either "eyeglasses" or "sunglasses."

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Witness A, a cashier for Dominick's, related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Witness A added that she was working at Dominick's at register #5 when she observed a female black customer being handcuffed and walked over to a bench. Witness A observed a male black customer asking what was going on. An officer tried placing the male black offender under arrest but the male black offender resisted. Witness A then saw the male black customer pull out a gun. Witness A ducked and ran away. Witness A stated that she heard shooting as she ran away. (Att. 3)

In a statement to IPRA on 04 June 2006, Witness A stated that she was at register # 5 when she saw security officers had stopped a lady, (NKA Subject 2) who stole eyeglasses, and the guy she was with (NKA Subject 1). Three or four police officers were also in the store to arrest Subjects 2 and 1. Subject 1 did not cooperate with the officers. Witness A described Subject 1 as "loud." Subject 1 told the officers that they were not going to arrest him as they stood behind him attempting to handcuff his hands behind his back. Witness A stated that she was about eight to ten feet away from Subject 1 when she saw Subject 1 reach into his right pocket and pull out a gun that was either black or grey. Witness A stated that she then ducked down behind her counter and heard gunshots. When the gunshots stopped Witness A ran as fast as she could to the back of the store and did not witness anything further. (Att. 15)

Witness B, a loss prevention agent for Dominick's, related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Witness B stated that he was working as the Loss Prevention Officer with Witness C. They observed a male black subject and a female black subject remove eyeglasses from a merchandise case. Witness B stated that they also observed the female black subject remove the price tag from the sunglasses. Witness B and Witness C then notified the Chicago Police Department because the male black subject was a rather "large" guy and they anticipated having a problem with him. When the officers arrived, two of the officers went to a nearby bench and two other officers entered the security office where they viewed the security tape of the two shoplifting offenders. Once the offenders passed all checkout points without paying, they were stopped by the officers. The male black subject resisted the officers and asked to speak to a supervisor. Witness B stated he observed the male black subject place his hand in his right pocket. Witness B heard the officer tell the male black subject to take his hand out of his pocket. Witness B then saw the male black subject remove a handgun from his pocket. Witness B stated that as he ran for cover he heard gunshots. (Att. 3)

In a statement to IPRA on 04 June 2006, Witness B stated that he and his partner, Witness C, were in the security booth located at the front of the store where they observed two subjects (NKA Subjects 1 and 2) shoplifting sunglasses. Witnesses A and B called CPD for assistance. A male black uniformed officer (NKA Officer C) and a female black uniformed officer (NKA Officer D) entered the security booth and watched

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as Subjects 1 and 2 passed the last point of purchase without paying for the glasses. The officers then exited the booth. A few moments later Witness B exited the security booth and heard Subject 1 say, "I didn't do anything. I want to see a manager or a supervisor." The officers attempted to handcuff Subject 1 but Subject 1 repeatedly pulled away from them. Witness B also heard the officers tell Subject 1 to take his hand out of his pocket. Witness B saw Subject 1 take a black weapon out of his pocket. Witness B then turned and ran for cover. Witness B heard six gunshots as he ran away. Witness B did not see who fired those gunshots. (Att. 21)

Witness C, a loss prevention agent for Dominick's, related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Witness C stated that he was working in Dominick's Loss Prevention Department with Witness B. Witness C stated that that after he observed a male black subject and a female black subject shoplifting they called the police for back-up because the male black subject was a "large man." Witness C stated that the female black subject was placed under arrest without a problem, but the male black subject struggled with the officers while yelling that he wanted to speak to a supervisor. Witness C saw the male black subject pull a gun from his right pocket. When Witness C saw the gun he ran away. As he ran he heard gunshots. (Att. 3)

In a statement to IPRA on 04 June 2006, Witness C stated that he approached two customers (NKA Subjects 1 and 2) at the checkout registers. Witness C asked Subject 2 about merchandise she had on her person. Subject 2 refused to produce the merchandise and a female white uniformed officer (NKA Officer B) placed Subject 2 under arrest. Subject 1 became agitated about Subject 2. Subject 1 asked for a supervisor as the officers tried to calm him down. Two male black uniformed officers (NKA Officers A and C) attempted to place him under arrest. Subject 1 resisted the officers' attempt to handcuff him by not letting the officers get control of his right hand. Subject 1 then "broke loose" and grabbed his gun. Subject 1 spun around with the gun in his hand. Witness C ran away when he saw Subject 1 holding the gun. As he ran Witness C heard gunshots. (Att. 22)

Witness D, the Head Clerk for Dominick's, related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Witness D stated that he assisted the male black customer with a liquor purchase. Witness D and the male black customer walked back to the liquor area and then returned to the cash register. Witness D left to answer a phone call and was returning when he observed a female black subject being stopped for shoplifting. The male black customer was irate and requested a supervisor. Officers told the male black customer to calm down, but he refused and began wrestling with the officers. Witness D then saw the male black pull a gun out of his pocket. Witness D yelled, "Gun!" and "hit the floor." Witness D then heard several gunshots. (Att. 3)

In a statement to IPRA on 04 June 2006, Witness D stated that he was assisting the cashier at register #4 with two customers (NKA Subjects 1 and 2). Witness D left the register area to answer a phone call. Witness D returned four or five minutes later.

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When he returned Witness D saw that Subject 2 had been placed in custody. Subject 1 was screaming and yelling that he wanted to speak to a manager. The officers told Subject 1 to calm down. The officers then attempted to force Subject 1 to the ground. Subject 1 was refusing to go to the ground and yelled for a supervisor. Subject 1 then turned around with his hand in his pocket. Subject 1 then pulled a gun from his pocket. Witness D yelled, "Gun!" and fell to the floor. Witness D then heard gunshots. (Att. 22A)

In a statement to IPRA on 04 June 2006, Witness E stated that as she walked near cash register #2 she saw a male black subject (NKA Subject 1) pulling away from several police officers. Witness E saw three uniformed officers, two male black officers and one female black officer attempting to handcuff Subject 1. Witness E also saw the female black officer take out her "stick" while one of the male black officers sprayed "mace" at Subject 1. Witness E then saw Subject 1 take a gun out of his pocket. Witness E ran and heard approximately six gunshots, but she did not know who discharged their weapons. (Att. 21A)

In a statement to IPRA on 04 June 2006, Witness F stated that she is a cashier for Dominick's Food Store. At the time of the incident Witness F was working at register #7. As Witness F walked her drawer to the service counter she saw security guards and police officers near the entrance to the store. Witness F saw a female white officer stop a female black subject (NKA as Subject 2) and ask to see her fanny-pack. Subject 2 handed her fanny-pack over to the officers. The female white officer opened the fanny-pack and looked through it. The female white officer then handcuffed Subject 2. Witness F also saw a male black officer stop a male black customer (NKA Subject 1) and tell him that they wanted to check him to see if he had stolen anything. Subject 1 denied that he stole anything, stating that he just spent \$120.00 USC. Subject 1 demanded to speak with a manager but the officer told him no and took out his handcuffs. The male black officer was able to place a handcuff on one of Subject 1 wrist. Subject 1 then began to attempt to turn around and repeatedly "jerked" his arm away from the officer. The officer told Subject 1 he would "mace" him if he continued to "jerk" his arm away. Subject 1 jerked his arm away, at which point the officer "maced" Subject 1. Witness F stated that she then saw Subject 1 reach into his waistband with his right hand. Witness F stated that when she saw Subject 1 reach into his waistband she turned and ran past the service desk and toward the produce area. As she ran Witness F heard 7-8 gunshots but did not see anyone shoot. (Att. 17)

In a statement to IPRA on 03 June 2006, Witness G related that she was standing near registers #3 and #4 when she saw a female white officer (NKA Officer B) approach and search a female black customer (NKA Subject 2) and her purse. Officer B then handcuffed Subject 2. As a black male customer finished paying for his items and put the grocery bag in his cart a male black officer approached him (NKA Subject 1) and told him to put his hands behind his back. Subject 1 told this officer that he had not done anything. A second male black uniformed officer approached and asked Subject 1 to

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place his hands behind his back. Both officers asked Subject 1 not to make the arrest difficult. The officers began to “wrestle” with Subject 1 as he pulled away from them. Witness G saw Subject 1 with his hand in his right front pants pocket and when he turned, Witness G saw Subject 1 holding a black gun in his right hand. Witness G got onto the floor and crawled to the customer service desk. Witness G then heard approximately six gunshots, but did not see who was shooting. (Att. 18)

In a statement to IPRA on 02 July 2009, Witness H related that she is a cashier for Dominick’s Food Store and on the night of the incident Subjects 1 and 2 and were at Witness H’s register checking out. Witness H stated that Subject 1 bought approximately \$200.00 worth of alcohol and as Witness H was ringing up his purchase she saw several security officers and police officers stop Subject 2. When Subject 1 saw that Subject 2 had been stopped, he began to argue with the officers. One of the security officers asked Witness H to search Subject 2. Before Witness H could search her, Subject 2 began to scream that the glasses belonged to her. Subject 1 became increasingly angry with the officers. Two or three male black uniformed officers were standing around Subject 1. When the officers grabbed Subject 1 arms to handcuff him, Subject 1 pulled away from the officers. Subject 1 began to struggle with the officers by pushing and pulling away from them. Subject 1 asked to see a manager. Witness H told him the manager was unavailable. Witness H stated that as Subject 1 struggled with the officers she saw him pull out a black gun. Witness H believed Subject 1 pulled it from the right side of the back of the waist of his jeans with his right hand. One of the male black officers held onto Subject 1 other arm as Subject 1 pulled out the gun. Subject 1 pointed the gun at her as he struggled with the officers. Witness H then heard several gunshots. Witness H stated that she ran to the other side of the store when she heard the gunshots and hid on the floor near the service desk. As she ran Witness H turned and saw a male black officer holding his gun in both hands shooting at Subject 1. (Att. 94)

In the Detectives Supplemental Reports, Witness I stated she was working at check-out line #8 when she saw police officers questioning a female offender (NKA Subject 2). The male offender (NKA Subject 1) walked toward the police officers and said, “I didn’t steal anything, I want a supervisor.” The officers attempted to detain Subject 1, but he broke away from them. Witness I then saw Subject 1 pull a black handgun from his pants pocket and point it at the officers. Witness I then ducked down and ran.

In the Detectives Supplemental Reports, Witness J related that she was working in the front of the store, near the security office when she observed police officers detain a female offender (NKA Subject 2). She then saw the police officers talking to the male offender (NKA Subject 1). Witness J saw the officers’ struggle with Subject 1. Witness J then saw cashiers and customers run toward the middle of the store. Witness J then heard five or six gunshots. Witness J ducked down when she heard the gunshots and when she stood back up she saw Subject 1 lying on the floor near the exit door.

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In the Detectives Supplemental Reports, Witness K related that he was working in the parking lot collecting shopping carts. Witness K walked into the store and saw police officers talking to a female offender (NKA Subject 2). As Witness K walked further into the store he heard the male offender (NKA Subject 1) yelling and causing a commotion. Witness K saw police officers trying to calm Subject 1 down and heard them telling him to cooperate and not resist. One of the police officers placed a handcuff on Subject 1's wrist, at which point Subject 1 attempted to get away. Witness K then saw Subject 1 holding a gun in his hand and heard someone yell, "Gun!" Witness K then ran to the back of the store. As he ran, Witness K heard several gunshots.

In the Detectives Supplemental Reports, Witness L stated that he was in the check-out line when he saw police officers arrest the female offender (NKA Subject 2). Witness L stated that he saw the police officer wrestle with the male offender (NKA Subject 1) and that he saw Subject 1 reach into his waistband. Witness L was unable to see what Subject 1 reached for in his waistband. Witness L then heard twelve or thirteen gunshots.

In the Detectives Supplemental Reports, Subject 2 related that she only knew Subject 1 by his nickname. Subject 2 stated that she met Subject 2 two months earlier. On the day of the incident Subject 1 picked her up and took her to the store with him. While they stood in the check-out lane, some police officers approached her and said something about shoplifting. A female police officer took her aside and searched her. Several male police officers then spoke to Subject 1. While Subject 2 had her back to Subject 1 and the other officers, she heard someone yell "Gun!" Subject 2 turned around and saw one of the male officers with his gun out. Subject 2 then heard four or five gunshots as she ducked down. Subject 2 admitted to having narcotics on her at the time of the incident but denied knowing that Subject 1 had a weapon on him.

Subject 3 and Witness I subsequently refused to cooperate with this investigation. All attempts to contact Witness L, Witness J, and Witness K, via phone calls and letters, in furtherance of this investigation were unsuccessful.

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 and Officer D attempted to place Subject 1 into custody, but Subject 1 resisted. Officer A attempted to assist, but he was only able to get one handcuff on Subject 1's wrist. Subject 1 "broke away" and moved towards the exit door. Officer C then saw Subject 1 pull a gun from his right pocket. Officer C then ran for cover and heard four to five gunshots.

In a statement to IAD, Officer C stated that he and his partner, Probationary Police Officer D, met with Officer A and Probationary Police Officer B in the Dominick's parking lot regarding an assignment of a shoplifter inside the store. Security officers escorted them into the security office where Officer A devised a plan to arrest the offenders (NKA Subjects 1 and 2). According to Officer C, the plan was for him and Officer D to remain in the security office and monitor the security cameras with Dominick's security officers while Officers A and B waited by the front door until

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Subjects 1 and 2 passed the last point of purchase. Officers C and D were to then exit the security office to assist Officers A and B. As Officer C walked past Officers A and B to conduct a field interview with Subject 1, he saw them handcuff Subject 2. Officer C stated that he approached Subject 1 and attempted to keep his attention away from what was happening with Subject 2. Subject 1 began to fidget when Officer C attempted to pat him down. Officer C motioned to Officer D to take her baton out by pointing to his baton. Officer C then attempted to handcuff Subject 1, at which time Officer A approached them and was able to place a handcuff on Subject 1's left wrist. Officer C explained that he was holding Subject 1's right arm at that time because Subject 1 was a "big guy." Officer C stated that as he and Officer A pulled Subject 1's arms behind his back Officer A realized that one pair of handcuffs were not going to work due to Subject 1's size. Officer A produced a second pair of handcuffs and Officer C produced his handcuffs with the intention of linking the handcuffs together to handcuff Subject 1's arms behind his back. According to Officer C, Subject 1 became an "active resister" in that he "broke away" from the officers. Officer A placed Subject 1 in a headlock but could not force Subject 1 to the ground. Officer C stated that he was behind Subject 1 and Officer A at that time. Officer C saw Officer A discharge his OC spray at Subject 1. Officer C stated that as he ran towards Officer A to assist him, he saw Subject 1 with a dark object he pulled from his pants pocket. Officer C then heard gunshots. Officer C stated that when he heard the gunshots he turned around and stooped low and went toward the security office to gain shielding. After the gunshots stopped Officer C turned back and saw Subject 1 lying on the floor and Officer A with his gun in his hand. Officer C did not know who discharged a weapon. (Att. 62)

Probationary Police Officer D related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Officer D stated that as Officers B and A stopped the black female (KNA Subject 2), she and her partner (Officer C) detained the male black (KNA Subject 1). When she attempted to "pat down" Subject 1, he resisted. Officer A assisted and the officers attempted to force Subject 1 to the floor. Officer A was able to get a handcuff on Subject 1's left wrist. Officer D also saw Officer A discharge his OC spray at Subject 1. Subject 1 still refused to cooperate. Officer D stated that Subject 1 then moved toward the store's exit door and pulled a gun from his pocket. Upon seeing the gun, Officer D ran for cover while yelling, "Get down! Gun!" Officer D saw Subject 1 point his gun at Officer A and she then heard gunshots.

Probationary Police Officer B related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Officer B stated that she saw Subject 1 pull a gun from his pocket. Officer B then ran toward the security booth and heard Officer A fire his weapon at Subject 1.

On 03 September 2008, Officer C was terminated from the Chicago Police Department. Officer C was terminated for failing to respond with the appropriate use of force and failing to engage Subject 1, who was considered a deadly force threat. Multiple attempts to interview Officer C were unsuccessful.



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On 14 June 2006, Probationary Police Officers B and D were terminated from the Chicago Police Department for the same reasons as Officer C. Multiple attempts to interview Officers B and D were unsuccessful.

Officer A related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Officer A stated that after assisting Officer B place the female black offender under arrest, he heard the male black offender (NKA Subject 1) asking Officers D and C what was going on. Officer A walked over to assist Officers D and C and told Subject 1 that he was being placed under arrest. Officer A was able to place one handcuff on Subject 1's left arm. Officer A intended to use a second pair of handcuffs due to Subject 1's large size. Officer A repeatedly told Subject 1 to give him his right hand. Subject 1's right hand was in his pocket. Subject 1 refused to move his hand. Officer A discharged his OC spray at Subject 1 and began to spray him again when he observed Subject 1 turning toward him with a handgun. Officer A walked backwards and dropped his can of OC spray. Officer A pulled his gun from its holster and fired at Subject 1. Officer A stated that he sustained an injury to his left ring finger when attempting to handcuff Subject 1. (Att. 3)

In a statement to IPRA on 18 March 2009, Officer A related that he and Officer B responded to a call of a theft in progress at Dominick's in which two offenders (NKA Subjects 1 and 2) were shoplifting eyeglasses. Officers C and D assisted. Officer A stated that initially he and Officer B approached and stopped Subject 2. Officer A explained to Subject 2 that she was suspected of shoplifting. Subject 2 gave Officer A her purse and Officer A found it contained several pairs of eyeglasses as well as two partially smoked marijuana cigarettes and suspect cocaine. Officer A then told Subject 2 she was under arrest for PCS. As Subject 2 was handcuffed, Officer A saw Subject 1 standing by the check-out lanes with Officers C and D. Subject 1 then asked Officer A what he was doing to his wife. Officer A attempted to minimize the severity of the situation by telling Subject 1 "it's no big deal." Officer A explained that he was trying to prevent the situation from escalating. Because of Subject 1's size, Officer A then approached him to assist Officers C and D in placing Subject 1 into custody. Officer A grabbed Subject 1's left arm while Officer C grabbed Subject 1's right arm. Officer A explained that he and Officer C intended to handcuff Subject 1's arms behind his back, and because of Subject 1's size they would use two sets of handcuffs and link them together.

Officer A stated that he placed one handcuff on Subject 1's left wrist, and as Officer C pulled out a second set of handcuffs, Subject 1 began to pull away from him. Subject 1 pulled free from Officer C's grasp. Subject 1 tried to pull away from Officer A, but Officer A was able to hang onto the set of handcuffs attached to Subject 1's left wrist. Officer A attempted to "hip check" Subject 1 in an effort to force him to the floor but was unsuccessful. Officer A stated that he and Subject 1 began to struggle, spinning around in a circle. Officer A saw that Subject 1 right hand was in his right front pocket or in the right side of his waistband. Officer A ordered Subject 1 to give him his hand. Officer A then pulled out his OC spray and sprayed Subject 1 directly on his face. According to Officer A the OC spray had no effect and Subject 1 continued to pull

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Officer A around by the handcuff. Officer A raised the canister of OC to spray Subject 1 a second time. Officer A then saw that Subject 1 was holding a black, semi-automatic handgun in his right hand. Subject 1 raised the pistol as he and Officer A moved in a counter-clockwise direction. Officer A dropped his OC spray to the floor and let go of the handcuff still attached to Subject 1's left wrist. Officer A stumbled backwards a few steps and pulled his firearm from its holster. Subject 1 turned and faced Officer A and pointed his gun at Officer A. Officer A discharged his firearm several times at Subject 1. Subject 1 then fell to the floor.

Officer A then turned around to the other officers and asked if they discharged their weapons. The other officers shook their heads to indicate they had not. Officer A then used his radio to make notification of the shooting and to request an ambulance.

Officer A stated that at the time of the incident he did not know where Officers C, D, or B were and he did not know what actions they took. (Att. 66)

The Arrest, Case, and Tactical Response Reports contained an account of the incident that was consistent with the accounts provided to the Roundtable panel and the Summary of Incident.

The related Department reports (RD# HM392-096) indicated that Subject 2 was observed by two security officers at Dominick's Food Store placing two pairs of reading glasses in her jacket and putting a third on her head. Subject 2 was detained by CPD officers after she passed the last point of purchase without paying for the glasses. A custodial search revealed four clear, knotted plastic bags containing a white powder-like substance hidden in a tin can of Altoids in her purse. Subject 2 was subsequently taken into custody.

The reports indicated that when the officers attempted to place Subject's 2 and 1 into custody, Subject 1 began to struggle with Officer A. During the struggle Subject 1 had his hand in his right front pants pocket. Subject 1 refused to comply with Officer A's command to take his hand out of the pocket. Officer A then discharged his OC spray at Subject 1. Subject 1 suddenly pulled out a handgun from his pants pocket and pointed it at Officer A. Officer A dropped his OC spray, un-holstered his weapon, and fired his weapon numerous times at Subject 1. Eleven expended 9mm Luger casings were recovered from the scene of the incident.

The Evidence Technician photographs depict the location of incident. The pictures show a can of OC Spray, a black semi-automatic handgun, numerous expended casings, and the deceased, Subject 1, on the floor of Dominick's.

Surveillance video obtained from inside Dominick's Food Store located at 2101 E. 71<sup>st</sup> St. shows Officers A and C attempting to handcuff Subject 1, with Officer A holding Subject 1's left arm while Officer C holds his right arm. Officer D is seen standing to the right of Subject 1, watching Subject 1 and the other two officers. As he is being handcuffed, Subject 1 begins to move his arms and body, breaking free of Officer

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C's grasp. Subject 1 begins to move in a counter-clockwise direction while turning his body and nearly facing Officer A, who holds onto the handcuff on Subject 1's left wrist. As Subject 1 and Officer A turn, Subject 1's right hand is seen near the right side of his waist. Officer A appears to be pointing his OC spray at Subject 1 as they turn. As Subject 1 and Officer A turn around Officers C and D run behind them in a counter-clockwise direction. The struggle continues out of view of the camera. Moments later Officers C, D, and B are seen running away from the location of incident, past several check lanes. Officer D ran behind a display case or shelving to the right. Officer B ran and fell to the floor and moves behind a display case or shelving to her left. Officer C is seen jumping over Officer B after she falls to the floor. Numerous employees and/or store patrons are also seen running from the location of the incident. A few moments later Officers C, D and B return to the location of the incident. Officer D is seen kicking a black, semi-automatic handgun along the floor near the front of the store.

The Medical Examiner's Postmortem Examination report indicates that Subject 1 sustained eleven gunshot wounds. Eleven fired rounds were recovered from Subject 1's body and inventoried. The toxicology analyses indicated that Subject 1 also had cocaine present in his system. The Medical Examiner's report indicates that Subject 1 died of multiple gunshot wounds.

In separate reports from the Illinois State Police ("ISP") Division of Forensic Services, Subject 1's firearm (Taurus, model PT 111 Millennium, 9mm semi-automatic pistol) was examined and found to be in firing condition. Subject 1's firearm was loaded with three Starline .357 Sig rounds. There were no latent prints suitable for comparison on Subject 1's firearm.

In separate reports from the Illinois State Police ("ISP") Division of Forensic Services all eleven fired rounds that were recovered from Subject 1's body by the medical examiner were determined to have been fired from Officer A's firearm. According to the ISP reports, all of Officer A's ammunition was Speer 9mm Luger.

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### CONCLUSION AND FINDING:

This investigation found that Officer A's use of deadly force 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 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 like to cause death or great bodily harm;
    - b. is attempted 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."

Officer A's actions were in accordance to both requirements of the Department's deadly force policy. Officer A stated that as he attempted to handcuff Subject 1, Subject 1 began to struggle and pull away. Officer A held onto the handcuff still attached to Subject 1's left hand, and as they struggled Officer A saw Subject 1 holding a black, semi-automatic handgun. Subject 1 raised his gun towards Officer A, at which point Officer A fired at Subject 1 several times. All of the witnesses saw Subject 1 struggling and pulling away from Officer A when Officer A attempted to handcuff Subject 1. The Witnesses A, B, C, D, E, G, H, I, and K, also saw Subject 1 holding and pointing a gun at Officer A prior to Officer A discharging his firearm at Subject 1. It was reasonable that Officer A feared for his life when Subject 1 produced and pointed a handgun at him. Officer A and the witnesses provided accounts of the incident that were corroborated by the video recording from inside the Dominick's Food Store.