

INDEPENDENT POLICE REVIEW AUTHORITY
PUBLIC REPORT OF INVESTIGATION

INVESTIGATION

NUMBER: Log# 1007297; U# 07-21

**OFFICER(S)
INVOLVED:**

“Officer A” (Chicago Police Officer) — Male/White; 27 years old; On-duty; In uniform; Year of Appointment — 2003

“Officer B” (Chicago Police Officer) — Male/White; 26 years old; On-duty; In uniform; Year of Appointment — 2003 (DID NOT DISCHARGE)

**OFFICER
INJURIES:**

None reported.

**SUBJECT(S)
INVOLVED:**

“Subject 1” — Male/Black; 20 years old

**SUBJECT
INJURIES:**

Through and through gunshot wound to right flank. Non-Fatal. Treated and released from a hospital.

**INITIAL
INCIDENT:**

Officers observed subject firing a handgun at an occupied vehicle.

DATE/TIME:

06 July 2007, 1100 hours

LOCATION:

8301 S. Exchange Avenue
Beat 0424

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SUMMARY OF INCIDENT:

On 06 July 2007, at approximately 1100 hours, Officer A and Officer B, went to the gas station at 8301 S. Exchange to buy water at the start of their tour of duty. The officers heard five to six gunshots and saw a male/black, now known as Subject 1, fire a handgun at a car that was traveling northbound on Exchange. Both officers ran toward Subject 1 who had stopped firing and placed the gun in his pocket. Subject 1 turned toward the officers with his head down. The officers announced their office and ordered Subject 1 to get on the ground. Subject 1 looked at the officers and put his hand on the gun in his pocket. Officer A fired his weapon once and struck Subject 1 in the right flank. Subject 1 fell to the ground. The weapon Subject 1 was firing was recovered hanging out of his pocket. Subject 1 was arrested and removed by ambulance to a hospital. Forensic Investigators found ten spent shell casings on the scene of the incident and linked nine of the casings to Subject 1's weapon. The remaining casing was from Officer A's weapon.

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During the Roundtable Presentation at Area 2 Police Headquarters, Witness 1 related an account of the incident to the Roundtable that was consistent with the Summary of Incident. Witness 1 identified himself as a City of Riverdale police officer and stated that he was off-duty and at the gas station at the southeast corner of 83rd and Exchange at the time of the incident. Witness 1 was vacuuming his car and he heard a gunshot. Witness 1 turned and saw Subject 1¹ run down the street and fire a gun in the direction of a vehicle that was speeding northwest toward the intersection of 83rd and Exchange. Subject 1 then walked back toward the gas station. Witness 1 saw two uniformed Chicago Police Officers run toward Subject 1 with their weapons drawn. The officers ordered Subject 1 to drop his weapon and get on the ground, but Subject 1 did not comply. One of the officers fired one shot and Subject 1 fell to the ground.

Witness 2 related his account of the incident to the Roundtable panel and it was consistent with the Summary of Incident. Witness 2 stated that he was at the payphone near the gas station when he heard several shots and saw Subject 1 firing a gun. Subject 1 walked past Witness 2 and stopped at the end of a bus stop. Subject 1 continued firing in a north/northwest direction. Witness 2 looked to see what Subject 1 was firing at and observed a dark blue or black car driving away on Exchange. Witness 2 saw Subject 1 turn and start walking back to the gas station with a gun in his hand. Two uniformed police officers approached Subject 1 and said “drop it” several times but Subject 1

¹ In the interest of clarity, Subject 1’s name is used in summarizing the witness accounts. No civilian witness identified Subject 1 by name.

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hesitated. Witness 2 heard another shot but did not see whether Subject 1 or the officers fired. Witness 2 heard Subject 1 tell the officers that he was shot. Subject 1 then lay on the ground and the officers handcuffed him.

Witness 3 related her account of the incident to the Roundtable panel and it was consistent with the Summary of Incident. Witness 3 was walking across Exchange when she heard gunshots and saw Subject 1 running down the street firing a gun in the direction of the muffler repair shop, which is on the northwest corner of 83rd and Exchange. Witness 3 saw police officers near the gas station run toward Subject 1. Subject 1 turned and walked toward the officers. Witness 3 related that she did not see Subject 1 with a gun in his hand at this point, but she heard the officers say, "Police, get down, drop your weapon." Subject 1 stopped walking. Witness 3 heard another gunshot but did not know who fired. Subject 1 then got on the ground.

Witness 4 related his account of the incident to the Roundtable Panel and it was consistent with the Summary of Incident. Witness 4 was driving northbound on Exchange at the intersection of 83rd and Exchange. Witness 4 saw Subject 1 fire a gun many times. Witness 4 turned left of 83rd Street and pulled into the muffler repair shop parking lot. Witness 4 looked back toward the gas station and saw Subject 1 at the corner. Subject 1 then turned and started walking back toward the gas station. Witness 4 could see a gun in Subject 1's hand. Witness 4 heard two uniformed police officers tell

INVESTIGATION (Continued):

Subject 1 to get down several times. Witness 4 heard another shot and saw Subject 1 get on the ground.

Witness 5 related his account of the incident to the Roundtable Panel and it was consistent with the Summary of Incident. Witness 5 was working under the dashboard of a car outside a muffler repair shop when he heard six or seven gunshots. Witness 5 got out of the car, looked across the street and observed police officers yelling at Subject 1. The officers told Subject 1 to turn around and get on the ground. Subject 1 had turned around and was walking toward the officers but refused to get on the ground. Witness 5 saw Subject 1's hands near his pockets but did not see anything in his hands. Witness 5 heard one more shot, this one coming from the officers. Subject 1 got on his knees and the officers handcuffed him.

A Chicago Police Department Detective informed the Roundtable panel that he interviewed Subject 1 at Area 2 and provided Subject 1's account of the incident. Subject 1 told the detective that he was leaving his house with his girlfriend and one-week old son when he saw a dark green two-door car drive past his house. Subject 1 recognized the driver of that car as the individual who twice robbed him. Subject 1 did not report either of those robberies. Subject 1 went back into his house, got his gun and then drove to the gas station at 83rd and Exchange. Subject 1 pulled up to the pumps at the south end of the station. Subject 1 saw the dark green car nearby. Subject 1 went inside to pay for

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the gas and then went back to his car to pump the gas. Subject 1 faced away from the green car at this point and the driver of that car approached him from behind. The driver pointed a gun at Subject 1 and robbed him of his ring and watch. As the dark green car drove away, Subject 1 retrieved his gun from his vehicle and ran to the intersection of 83rd and Exchange firing five or six shots at the fleeing dark green car. Subject 1 then put his gun in his pocket, turned around and saw two police officers. The officers told Subject 1 to freeze and get on the ground. Subject 1 had his hands near his waist, intending to get on the ground. One of the officers fired one shot hitting Subject 1 near the hip. Subject 1 fell onto the ground and the officers arrested him. The detective stated that Subject 1 made no complaint about the officers and did not want to press charges against the officer who shot him.

Officer B, related his account of the incident to the Roundtable Panel and it was consistent with the Summary of Incident. Officer B related that he drove eastbound on 83rd Street and pulled into the gas station at Exchange. Officer B and his partner, Officer A, exited their car and heard four or five gunshots. Officer B looked in the direction of the gunshots and saw Subject 1 firing a gun toward the intersection. Officer B and Officer A ran toward Subject 1 with their guns drawn. Subject 1 turned toward Officer B and Officer A with his head down and put his gun into his pocket. Subject 1 looked up, saw the officers and began taking the gun out of his pocket. Officer A, who was two or

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three feet in front of Officer B, fired once. Subject 1 fell to the ground and the officers took him into custody.

Officer A related his account of the incident to the Roundtable Panel and it was consistent with the Summary of Incident. Officer A stated that he exited his squad car at the gas station at 83rd and Exchange. Officer A heard five or six gunshots. Officer A looked to his right and saw Subject 1 firing a gun. Subject 1 was across the street facing away from the officers. Officer A stated that he and Officer B ran toward Subject 1. Officer A was ahead of Officer B. As Subject 1 turned to face Officer A, Subject 1 put his gun in his pocket. Officer A stated that the officers announced their office and told Subject 1 to get down. Subject 1 refused to comply and reached into his pocket. Subject 1 did not take the gun all the way out of his pocket but Officer A could see the barrel and the handle of the gun. Officer A fired one shot and Subject 1 fell to the ground.

In a To-From-Subject Report from a Chicago Police Department Assistant Deputy Superintendent dated 06 July 2007. The ADS related an account of the incident consistent with the Summary of Incident.

The Arrest Report, General Offense Case Report, Tactical Response Reports (“TRR”) and Officer Battery Reports (“OBR”) all relate information consistent with the Summary of Incident.

INVESTIGATION (Continued):

The Original Case Incident Report contains information consistent with the Summary of Incident. The Original Case Incident Report also includes summaries of interviews conducted by the assigned detectives with witnesses and the results of a canvass of the vicinity of the incident. Detectives also determined that there was no surveillance video of the incident.

Witness 6 told detectives that he saw Subject 1 get out of a black Lexus and enter the store. Subject 1 returned to the Lexus. Witness 6 heard gunshots and looked up. Witness 6 saw Subject 1 run to the corner of 83rd and Exchange. As Subject 1 ran, he fired a handgun at a green Cutlass Supreme. An unmarked police car parked in the parking lot at about the same time. Two police officers approached Subject 1 and ordered him to drop the gun. Subject 1 turned toward the officers with his gun in his hand. One of the officers shot Subject 1 and Subject 1 fell to the ground. Subject 1 dropped his gun as he fell. Witness 6 told detectives that he did not have time to go with them to Area 2 and left the scene.

Witness 7 told detectives that she saw Subject 1 drive a black Lexus into the gas station. Witness 7 told detectives that she saw a female black in the Lexus with Subject 1. Subject 1 went into the store for a short time and then returned to the car. A police car pulled into the parking lot at about the same time. The next thing that Witness 7 was

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aware of was Subject 1 shooting across 83rd and Exchange. Police officers approached Subject 1 and ordered him to drop his gun. Witness 7 declined to remain for further questioning by detectives.

Witness 8 told detectives that he drove northbound on Exchange toward 83rd Street and he heard gunfire. Witness 8 saw Subject 1 running with a gun. Two police officers approached Subject 1 and ordered him to lay on the ground. Witness 8 then saw the officers secure Subject 1. Witness 8 declined to remain at the scene for further questioning.

Witness 9 told detectives that he was pumping gas when he observed a black Lexus pull up to the next pump. Subject 1 got out of the Lexus and pumped gas. Witness 9 saw a green Pontiac or Buick pull up and the occupant of the green car pointed a gun at Subject 1. Subject 1 jumped over his car to the passenger side, retrieved a handgun and chased after the green car that was slowly exiting the parking lot. Subject 1 continued to run after the car and he fired several times as the car crossed the intersection. About the same time, an unmarked police car pulled into the lot and parked. The police officers ran toward Subject 1 and Witness 9 heard the police tell Subject 1 twice to drop his gun. Subject 1 turned towards the officers while still holding the gun. Witness 9 heard one pop and saw smoke coming from a police officer's gun. Witness 9 also declined to remain for further questioning.

INVESTIGATION (Continued):

Witness 10 told detectives that she was at the gas station with her brother Witness 9. Witness 10 saw a green car pull up and the occupant point a handgun at Subject 1. Subject 1 grabbed a gun from the passenger side of his car. Subject 1 started shooting at the green car as it pulled out of the gas station and onto Exchange. The occupant of the green car did not fire his gun. Subject 1 did not see police officers enter the parking lot. The officers ran toward Subject 1 and yelled, "Get down, get down." Instead of getting down, Subject 1 turned toward the officers. Witness 10 heard one "pop" and saw Subject 1 get on the ground. Witness 10 refused to remain at the scene for more interviews.

Witness 11 told detectives that he was walking past the gas station and saw the police pull into the lot. Witness 11 heard several shots and saw Subject 1 shooting at a green car. The police officers exited their car and ran toward Subject 1. The officers told Subject 1 twice to "get down." Subject 1 did not get down and he turned toward the officers with the gun in his hand. Witness 11 heard one more shot and saw Subject 1 drop the gun and fall to the ground. Witness 11 told detectives that he did not have time to wait and left the scene.

Witness 12 told detectives that he owns a business near the location of the incident. Witness 12 worked in the garage area of his business and he heard six or seven gunshots. Witness 12 looked across the street at the gas station and saw two uniformed

INVESTIGATION (Continued):

police officers pointing their weapons at Subject 1. The officers told Subject 1, “Get on the ground,” and “get down,” in very loud voices. Witness 12 heard one more gunshot as saw the officers take Subject 1 into custody.

Witness 1 provided detectives with an account of the incident that was consistent with the account he provided to the Roundtable panel.

Witness 3 provided detectives with an account of the incident consistent with the account she provided to the Roundtable panel. Witness 3 told detectives, “I guess they had to shoot him.”

Witness 4 provided detectives with an account of the incident that was consistent with the account he provided to the Roundtable panel.

Witness 2 provided detectives with an account of the incident that was consistent with the account he provided to the Roundtable panel.

Witness 5 provided detectives with an account of the incident that was consistent with the account he provided to the Roundtable panel. Witness 5 also told detectives that his Ford Freestar van had a bullet hole in the passenger side cargo door window.

INVESTIGATION (Continued):

Officer A and Officer B provided detectives with an account of the incident consistent with the accounts they provided to the Roundtable panel.

A Chicago Police Department Officer, told detectives that he arrived on the scene shortly after the shooting and observed Subject 1 on the ground. Officer A gave the Chicago Police Department Officer a Taurus 9mm gun and indicated that it was Subject 1's weapon. The Chicago Police Department Officer retained possession of the weapon until members of the Forensic Services Section arrived and he turned the weapon over to the Forensic Investigators.

The detectives spoke with several individuals during a canvass of the vicinity. Witness 13, Witness 14, Witness 15, Witness 16, Witness 17, and Witness 18 each told detectives that they heard several gunshots but that they did not see the incident. Witness 17 added that after he heard the gunshots he heard a car take off at a high rate of speed.

Detectives also interviewed Subject 1 who told them that he left his apartment with his girlfriend and their one-week-old son. Subject 1 walked out of the apartment and saw a green coupe driving down the street. Subject 1 recognized the driver as someone who robbed him on two earlier occasions. Subject 1 told detectives that he did not report the robberies. Subject 1 went back into his apartment and retrieved a Taurus

INVESTIGATION (Continued):

9mm that he bought on the street. Subject 1 put the gun in his right front pants pocket and drove to the gas station at 8301 S. Exchange.

Subject 1 pulled up to the gas pumps and saw the green coupe parked in the gas station lot. The green coupe was unoccupied and Subject 1 did not see the driver. Subject 1 pumped his gas and the green coupe's driver appeared next to him holding a "mini-machine gun." The driver of the green coupe pointed his weapon at Subject 1 and demanded a ring and necklace that Subject 1 wore. Subject 1 surrendered the items. The driver ran back to his car and exited the gas station parking lot, turning northbound on Exchange.

The green coupe stopped at a red light at 83rd and Exchange. Subject 1 pulled the 9mm from his pocket and ran west toward the east sidewalk of Exchange.

Subject 1 fired at the green coupe five or six times as the car drove northbound from the light. Subject 1 put the 9mm back in his front right pocket and turned to return to his vehicle. When Subject 1 turned, he saw two uniformed police officers approaching him. The officers had their weapons pointed at Subject 1 and were telling him to "Freeze." Subject 1 dropped his hands toward his waist and one of the officers fired. The officer's round struck Subject 1 in the torso. Subject 1 got on the ground and one officer took the 9mm from Subject 1's pocket.

INVESTIGATION (Continued):

The detectives reported that they could not contact Witness 19 and were therefore unable to interview her.

The Chicago Fire Department (CFD) Ambulance Incident Detail indicates that ambulance personnel were dispatched at 1102 hours on 06 July 2007. Ambulance personnel noted that Subject 1 had a single gunshot wound with an entry and exit to his right flank. The ambulance transported Subject 1 to a hospital without further incident.

OEMC Event Queries and an OEMC Recording indicate that a Chicago Police Department Beat reported "Shots Fired" with the offender down. The Recording and Event Queries did not document any civilian calls to "911."

The Crime Scene Processing Report and Evidence Technician Photographs and Video Tape depict the location of the incident and the locations of recovered evidence. Forensic Investigators inventoried Subject 1's weapon, a Taurus PT 111 Pro semi-automatic pistol, Officer A's weapon, a Smith and Wesson 5943TSW semi-automatic pistol, fired cartridge casings and clothing.

Subject 1's Medical Records indicate that Subject 1 received treatment for a gunshot wound on 06 July 2007 and was released to police custody the same date.

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INVESTIGATION (Continued):

A report from the Illinois State Police (ISP), Division of Forensic Services, dated 24 July 2007, indicates Subject 1's weapon, a Taurus PT 111 Pro semi-automatic pistol, was examined, found to be in firing condition and test fired.

Officer A's weapon, a S & W Model 5943TSW, semi automatic pistol, was examined, found to be in firing condition and test fired.

Nine Magtech 9mm Luger fired cartridge casings that were recovered from the scene were examined and found to have been fired in Subject 1's weapon. One Winchester 9mm Luger +P fired cartridge case that was recovered from the scene was examined and found to have been fired in Officer A's weapon.

A Canvass conducted by IPRA personnel in the vicinity of 8301 S. Exchange yielded negative results.

Witness 3 did not keep a personal visit appointment at her residence at the date and time agreed. There was no answer at the residence and a business card was left.

A personal visit to Witness 2's residence was made with negative results. There was no answer at the residence and a business card was left.

INVESTIGATION (Continued):

A personal visit to Witness 4's residence was made with negative results. There was no answer at the residence and a business card was left.

Witness 12 contacted IPRA and, contrary to his statement given to detectives, Witness 12 advised that he was inside his shop and did not see the incident. Witness 12 did hear several shots.

Witness 13 contacted IPRA and indicated that he was working with Witness 15 on the far side of a Chicago Public Elementary School when they heard what they thought were firecrackers exploding. Witness 13 did not see any part of the incident.

Witness 15 contacted IPRA and indicated that he was working with Witness 13 on the far side of a Chicago Public Elementary School when they heard what they thought were firecrackers exploding. Witness 15 did not see any part of the incident.

Witness 10 contacted IPRA and related an account of the incident consistent with her statement to detectives. Witness 10 stated that she was at the gas station with her brother, Witness 9. Witness 9 pumped the gas. Witness 10 saw a green car pull in front of the car she was in and the occupant pointed a gun at Subject 1, who was fueling a black Lexus. Subject 1 ran to the passenger side of his car, retrieved a large handgun and

INVESTIGATION (Continued):

started shooting at the green car. The green car fled the scene and Subject 1 turned back to his car. Police officers “came from nowhere” and approached Subject 1 with their guns out. Subject 1 had his hand and his gun in his pants pocket. The officers told Subject 1 to get on the ground and, when he did not, one officer fired one time. It was not clear to Witness 10 if Subject 1 was taking his gun out or putting it back in his pocket. Witness 10 stated that she and her brother, Witness 9, have relocated to another city. Witness 9 did not respond to telephone calls or letters, nor was he available when the R/I spoke with Witness 10.

In a statement to the IPRA on 18 March 2009, Witness 5 provided an account of the incident consistent with his Roundtable statement, his statement to detectives and the Summary of Incident. Witness 5 observed the incident from about one hundred fifty to two hundred feet away and that he had an unobstructed view.

In a statement to the IPRA on 19 March 2009, Witness 1 provided an account of the incident consistent with his Roundtable statement, his statement to detectives and the Summary of Incident. Witness 1 estimated he was about thirty feet away when the officer shot Subject 1. Subject 1 had fired his weapon seven or more times. Subject 1 had his gun in his right hand when the officer shot him.

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INVESTIGATION (Continued):

Attempts to locate Witness 19, using addresses obtained from the West Law database, arrest records, and a United States Postal Worker, yielded negative results.

In a statement to the Office of Professional Standards, now known as the Independent Police Review Authority, on 06 July 2007, at a hospital, Subject 1, provided a statement indicating that he was pumping gas at the gas station at 83rd and Exchange when he saw a male black who robbed him in May. Subject 1 was with his girlfriend Witness 19 and their one week old son. Witness 19 never exited the car during the incident. Subject 1 had a 9mm handgun in his right pocket because of the earlier robbery. The male black came up behind Subject 1, pointed a gun at him and took a chain and ring from him. The male black got into a green car and drove away. Subject 1 pulled out his gun and fired in the direction of the green car about five times. Subject 1 put his gun back into his right front pocket and walked back to his car. Two uniformed officers ran up and told him to “freeze.” Subject 1 put his hands in front of him and told the officers he had the gun in his front pocket. Subject 1 lowered his hands to brace himself when he was getting on the ground and one officer shot him one time in the right side. Subject 1 stated that the officer shot him because he moved his hands toward his pocket with the gun. Subject 1 stated that he has no complaint against the officers though one of the officers said to Subject 1 that he should have shot him in the head. Subject 1 was not trying to reach his gun when he lowered his hands but was bracing himself to get on the ground.

INVESTIGATION (Continued):

In a statement to the IPRA on 03 March 2009, Officer B, stated that he was working, in uniform, with his partner Officer A, when they stopped at the gas station, 8301 S. Exchange to get some water. As Officer B walked to the door of the gas station, he observed Subject 1 discharging a handgun at a vehicle that was traveling northbound on Exchange Avenue. Officer B unholstered his weapon and pointed it at Subject 1. Officer B estimated that Subject 1 was approximately seventy-five feet away from him when he first saw Subject 1 firing. Officer B announced his office and ordered Subject 1 to get his hands up and get down on the ground. Officer B approached Subject 1 and was approximately eight to ten feet from Subject 1 and five to six feet away from Officer A when Officer A fired. Officer B saw Subject 1 place the weapon into his right front pocket and then Subject 1 began walking toward him and Officer A. Subject 1 put his hands up and, less than a second later, he lowered both hands. Subject 1 attempted to remove his gun from his pocket. Officer A fired once striking Subject 1 in the lower torso. Subject 1 placed his hand on his weapon but the weapon was not out of his pocket. Officer B stated that he did not discharge his weapon because there was a citizen at a payphone in his line of fire.

In a statement to the IPRA on 10 March 2009, Officer A stated that he was working, in uniform, with his partner Officer B, when they stopped at the gas station, 8301 S. Exchange to get some water. Officer A walked to the entrance and heard several

INVESTIGATION (Continued):

gunshots coming from the west. Officer A observed Subject 1 standing in the street shooting at a car that was traveling north on Exchange. Officer A unholstered his weapon and ran toward Subject 1. Subject 1 walked toward Officer A with his head down and put his gun in his pocket. Officer A shouted "Police, get your hands up, get on the ground." Subject 1 put his hands up, then reached down with only his right hand, went into his right front pocket and started to pull the handgun out. Officer A was about ten to fifteen feet from Subject 1. As Subject 1 pulled his gun out, Officer A saw Subject 1's hand on the grip and saw about an inch of the barrel. Officer A fired once, striking Subject 1 in the lower right side. Subject 1's hand came off his gun and he fell to the ground. Officer A recovered Subject 1's weapon from his pants pocket. Officer A cleared the round from the chamber and removed the magazine from the weapon. Both officers notified OEMC of the shooting and requested Emergency Medical Services for Subject 1. Officer A stated that he and Officer B told responding officers of the car that Subject 1 shot at but those officers were unable to locate that car. Officer A stated that he could not recall if Subject 1 said anything to him or Officer B while they waited for EMS.

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A, was in compliance with Department Policy and State statutes. According to the Chicago Police Department's General Order 02-08-03, III DEPARTMENT POLICY, A1 and A2,a,b,c.

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 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

Officer A's actions were in accordance the Chicago Police Department's deadly force policy. Officer A and Officer B saw Subject 1 shooting at an occupied vehicle. Subject 1's actions constituted a forcible felony and involved the use of physical force likely to cause death or great bodily harm to the occupants of the vehicle and to anyone in Subject 1's immediate vicinity. Subject 1's actions endangered the lives of those

CONCLUSION AND FINDING (Continued):

individuals living and working in the neighborhood of the incident and caused the officers to determine that Subject 1 should be arrested without delay in order to prevent death or great bodily harm to the officers and/or the public. The officers approached Subject 1 and announced their office. The officers ordered Subject 1 to drop his weapon and get on the ground. Subject 1 stopped but did not get on the ground and lowered his hands near his weapon. Officer A, in fear for his life and his partner's life, shot Subject 1 one time in the lower torso. Officer A reasonably believed that such force was necessary to prevent Subject 1 from causing either death or great bodily harm.

It is reasonable that Officer A feared for his life and Officer B's life when Subject 1 approached the officers on the street armed with a pistol and reached into or near the pocket where he had placed the pistol that he had just used to fire multiple times at an occupied vehicle.