

SUMMARY OF INCIDENT

Log#1065714 / U#13-40

On October 24, 2013, CPD Officer A and Officer B responded to a call of a domestic disturbance involving a sister and a brother at XXXXX South Eberhart Avenue. The brother, now known as Civilian 1, called 911 to report that his sister, now known as Civilian 2, smoked crack, was high, damaging the interior of the house and attempting to fight him. When Officer A and Officer B arrived to the house, Civilian 1 told them that Civilian 2 had a knife. Officer A radioed that information to dispatch along with a request for assistance. At some point thereafter, Civilian 2 reportedly disregarded the officers' instructions to stop and drop the knife and moved in their direction. As matters quickly unfolded, Civilian 2 reportedly raised the knife in the direction of the officers and Civilian 1 when Officer A discharged his weapon multiple times. Civilian 2 sustained multiple gunshot wounds and was pronounced dead at Advocate Christ Hospital later that same evening.

INVESTIGATION

IPRA obtained relevant forensic and documentary evidence associated with this incident. Additionally, IPRA interviewed civilians who witnessed various aspects of this incident as well as what took place prior to this encounter, and the two officers who responded to the incident.

The following are summaries of the evidence obtained in this investigation:

Civilian Witnesses

Civilian 1, who is the brother of Civilian 2, **was interviewed by police detectives** at Area South Bureau of Detective's offices on October 24, 2013, the night of the incident. Civilian 1 said that, on the night of the incident, Civilian 2 was angry when she returned home and found that Civilian 1 had locked her out of the house. After letting her in, Civilian 1 went upstairs in order to avoid a confrontation with his sister. Later, he went downstairs after hearing loud noises. After doing so, he saw that Civilian 2 had thrown furniture around and was breaking glass items and mirrors on the floor. Civilian 2 then began throwing objects at Civilian 1, and hit him on his arm with her fists and kicked his leg. Civilian 1 believed that Civilian 2 was attempting to provoke him into a fight, but he refused. After he was unable to calm her, Civilian 1 called 911 for police assistance.

When police officers A and B arrived, Civilian 1 led them into the living room of the residence where the officers ordered Civilian 2 to come out of her bedroom. Civilian 1 said that Civilian 2 eventually exited her bedroom, had a knife and did not listen to officers.

Civilian 1 ended his interview with CPD detectives after he became emotional about the death of his sister, Civilian 2. (Atts. 51, 52)

IPRA made several **attempts to interview Civilian 1**, but he repeatedly declined to be interviewed, citing the emotional distress the incident caused him and his family. Civilian 1 was explicit in his decision not to be interviewed about this matter and his refusal to participate in IPRA's investigation, adding at one point that he preferred to allow his sister to rest in peace. (Atts. 53, 61, 63)

On October 25, 2013, IPRA conducted a canvass in the vicinity of the incident in an attempt to locate additional witnesses and/or evidence. That effort did not yield any additional evidence or witnesses. (Att. 7)

In an **interview with IPRA** on August 16, 2017, Civilian 3 stated that she had been friends with Civilian 2 for a few years prior to her death. On the date of the incident, October 24, 2013, Civilian 3 went to a store with Civilian 2 to purchase items to help Civilian 2 move out of her late mother's house located at XXXXX South Eberhart Avenue. Civilian 2 was moving because her brother, Civilian 1, told Civilian 2 to vacate the property by November 1, 2013. Civilian 2 and Civilian 3 went to Civilian 3's house after they left the store and drank a couple of alcoholic beverages together. Civilian 3 stated that she did not know Civilian 2 to use drugs, and Civilian 2 did not take any drugs that day in front of her.

Civilian 3 stated that Civilian 2 was under a lot of stress due to the death of her favorite nephew the day before and the recent deaths of her other brother and mother. Civilian 2 told Civilian 3 that Civilian 1 told Civilian 2 that she could not take anything out of the house when she moved out. Civilian 3 recalled Civilian 2 telling her that she wanted to cut up all the furniture in the house and tear it all up. Civilian 2 left Civilian 3's residence alone around 5:00 p.m. that evening. Civilian 3 was under the impression that Angelique had planned on walking home to the residence at XXXXX South Eberhart Avenue. (Att. 67)

Police Officer Interviews

In an **interview with IPRA** on October 25, 2013, witness **Officer B** stated that he and his partner, Officer A, were driving on routine patrol when they heard, over OEMC dispatch, information about a domestic disturbance at XXXXX South Eberhart Avenue, and that one of the involved parties had apparently taken drugs. At approximately, 6:40 p.m., they radioed that they would assist the officer assigned to respond, Beat 513. Officers A and B were the first unit to arrive. Before Officers A and B exited their vehicle, Officer B observed a gentleman, now known as Civilian 1, on the porch of the address. Officers A and B exited their vehicle and tried to get information about what was happening inside the house before they entered. Civilian 1 told Officers A and B that his sister, now known as Civilian 2, was high on drugs and had a knife. At this point, Officer B heard Officer A requesting more units to assist because someone had a knife.

Officers A and B followed Civilian 1 into the living room of the house. Officer B stated that the living room was a wreck, full of debris and very dark because there were no lights on, but there was illumination from the porch light and Officer B had his flashlight out. The officers remained near the doorway, where Officer B stood in line between Civilian 1 and Officer A. The officers announced their office and demanded Civilian 2 to come out. After a few minutes, Civilian 2 came down the hallway with a knife in her hand by her side, which Officer B described as a long butcher knife with a long handle and an eight to ten inch blade. When Civilian 2 reached the living room, she raised the knife and moved toward the officers and Civilian 1. Officers A and B gave verbal commands for Angelique to stop and put down the knife. Officer B stated that Civilian 2 did not stop; her eyes were fixed in an intense type of gaze and she continued to move quickly toward the officers and Civilian 1 while raising her hand with the knife. Officer A fired his weapon at Civilian 2 when she was approximately six to eight feet away, and the knife flew

forward out of Civilian 2's hand landing on the floor at Civilian 1's feet. Officer B stated that, although he had unholstered his weapon, he did not fire because Officer A had already fired. Officer A immediately radioed that shots were fired and requested an ambulance. Officer B focused on keeping Civilian 1 calm and told Civilian 1 not to touch anything. Officers A and B did not pat down or handcuff Civilian 2 because she no longer had a knife and was no longer a threat. Officers waited until the ambulance arrived to treat Civilian 2. (Att. 29)

In an **interview with IPRA** on 27 October 2013, **Involved Shooting Officer A** stated that he and his partner, Officer B, were driving in a marked police van on routine patrol when he heard, over the radio, Beat 513 assigned a domestic disturbance involving a woman tearing up a house and possibly smoking crack cocaine at XXXXX South Eberhart Avenue. As Officer A and Officer B exited their vehicle at the address, there was a male on the porch, now known as Civilian 1. Upon their approach Civilian 1 told the officers that there was a woman, now known as Civilian 2, inside with a butcher knife and high on crack cocaine. After Officer A heard that Civilian 2 had a butcher knife, he alerted OEMC and requested assisting police units.

At approximately 6:50 p.m., Officers A and B entered the residence into the front room. Officer A observed very little light in the front room, furniture turned upside down and sideways, broken glass, and furniture obstructing the hallway. The officers remained near the doorway standing almost shoulder to shoulder, where Officer B was to the right of Officer A and Civilian 1 was standing to the right of Officer B. Officers A and B called for Civilian 2 and announced their office.² Officer A observed a back room door open and Civilian 2 walked through the kitchen and into the hallway. When Civilian 2 entered the hallway, Officer A observed that Civilian 2 had a knife, which he described as an approximately 8 inch silver blade, clenched in her right hand. At this point, Officer A unholstered his weapon.³ Officers A and B repeatedly ordered Civilian 2 to drop the knife as Civilian 2 continued to walk down the hallway.⁴ Civilian 2 entered the front room, where Officer A, Officer B, and Civilian 1 were standing. Civilian 2 raised her arm and lunged with the knife's blade pointing towards Civilian 1 and Officers A and B. When Civilian 2 was approximately six to eight feet away, Officer A, in fear of his life and the lives of Officer B and Civilian 1, discharged his weapon. Civilian 2 stumbled backward toward the wall, while the knife from her hand flew across the room landing approximately one to two feet in front of Civilian 1, seemingly under a rug. Once Civilian 2 was on the floor and no longer in possession of the knife, the threat was over. Officer A holstered his weapon and radioed OEMC that shots were fired and an ambulance was needed. (Att. 31)

¹Training records obtained from Chicago Police Department indicate that Officer A successfully completed a forty hour intensive Mental Health Crisis Intervention Team training program in February 2013.

²In a statement to CPD detectives, Officer A related that he and Officer B repeatedly called out to Civilian 2, asking where she was and for her to come out and turn on the lights. *See* (Attachment 51, 52).

³At the time of the incident, Officer A was not trained to use a Taser and was not carrying a Taser. According to his interview with detectives, Officer B was not trained or qualified to carry a department issued Taser at the time of this incident. *See* (Attachment 51).

⁴In a statement to CPD detectives, Officer A related that while Civilian 2 was in the hallway, he could see her clenching a butcher knife in her right hand. Officer A related that Officer B turned his flashlight on in the living room and shone the flashlight on Civilian 2. *See* (Attachment 51, 52).

Video & Audio Evidence

The Office of Emergency Management and Communications ("OEMC") recorded transmissions and related **Event Query** reports reflect a call from Civilian 1, at approximately 6:40 p.m., requesting officer assistance at XXXXX South Eberhart Avenue because his sister "smokes crack, is high and is tearing up the house." Officers responded to the residence, reported there was a woman with a butcher knife, and requested available units for assistance⁵. Officer reported one down, multiple shots, and that an ambulance was needed. Communications reflect responding police units and the transportation of Civilian 2, by ambulance, to the hospital. (Atts. 21-23)

Officers A and B reported that they were driving a marked police van that was not equipped with an **in-car camera**. (Atts. 29, 31)

Medical and Autopsy Information

The **Chicago Fire Department Ambulance Reports** reflect that Civilian 2 was found unresponsive and had received a gunshot wound to left chest, right temporal area, right arm humerus, and a deformity to the left hand. A large amount of blood loss was noted in the house. Civilian 2 remained unresponsive during treatment and transport to Christ Hospital. (Att. 15)

The **Cook County Medical Examiner Postmortem Report** stated that Civilian 2 died from multiple gunshot wounds, described as gunshot graze wounds to Civilian 2's nose, right face, right ear, left face and left forehead; and gunshot wounds to the right arm, right chest, left chest and left thumb.

The results of the toxicologic analyses documented a positive result of ethanol in Civilian 2's blood, in the amount of 129 mg/dl, which is commonly referred to as a .129 blood alcohol level. (Att. 44)

Forensic Evidence

Chicago Police Department Property Inventory Reports for RD #HWXXXXXXX documented the evidence recovered and inventoried on 24 October 2013 and 25 October 2013, in connection with this incident. A summary of that information is as follows:

The white-handled knife, Inventory No. XXXXXXXXX, used by Civilian 2 was recovered from under an area rug in the living room. The total length of the knife measured twelve (12) inches; the handle was five (5) inches long and the blade was seven (7) inches long. The width of the knife was three-quarter (1 3/4) inches wide.

Officer A's gun, a Glock Model 22, .40 caliber semi-automatic pistol, Inventory No. 13032594, was collected and inventoried. The gun magazine in the Glock had a fifteen (15) shot capacity. There were ten (10) Winchester 40 S&W unfired cartridges recovered from the magazine. There was one (1) Winchester 40 S&W unfired cartridge recovered from the chamber of the Glock. (Att. 56)

⁵ Additional police vehicles did not arrive until after shots were fired and an ambulance called. Beat #513, who was originally assigned to respond, was not en route to the residence until after further assistance was requested, shots fired and an ambulance called.

Evidence Technician Photographs and Video of the scene depict poor artificial lighting inside the residence; upset furniture and appliances, as shown in Figure 1 and Figure 2; broken dishes; upset household items; a bottle of vodka with liquid just under the bottom of the label; a white-handled butcher knife, as shown in Figure 3; holes and blood in the living room east wall; as well as the police and civilian subject involved in the incident. (Att. 47, 49)



Figure 1, View of living room from just inside the front door looking towards the hallway leading to kitchen, bedrooms, bathroom and rear back door of the first floor apartment.⁶



Figure 2, View of living room from just inside the front door.[?]

⁶ Photograph was taken on 24 October 2013, and depicts the scene as it was at the time of the incident. However, artificial lighting was added.

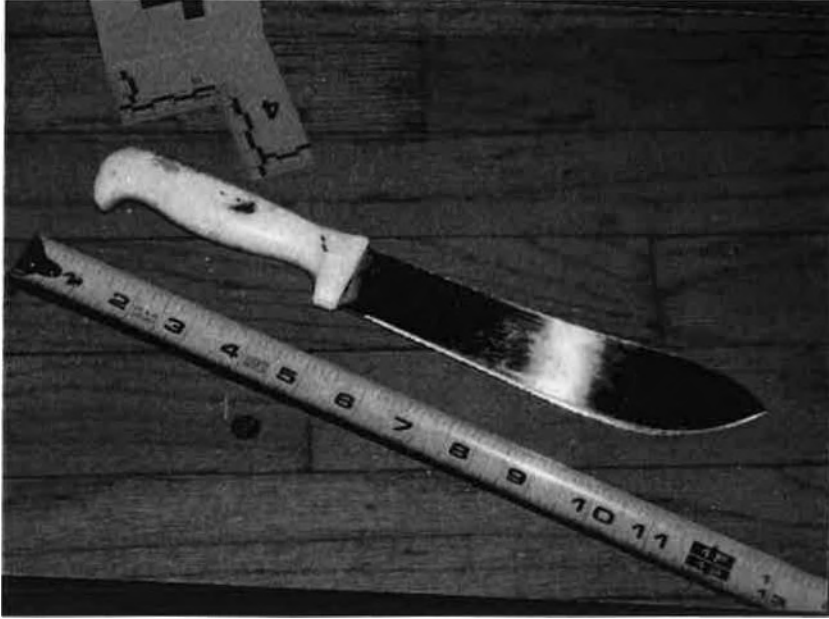


Figure 3, Photograph of knife

Illinois State Police Forensic Science Laboratory Firearms Report documented that the firearm submitted for testing and identified as the firearm used during the incident by Officer A, was tested and found to be in proper firing condition with rifling characteristics of six polygonal lands and grooves with a right hand twist. Fired bullets recovered from the scene could not be identified or eliminated as having been fired from Officer A's firearm. Fired bullets were identified as 40/10 caliber exhibiting six polygonal lands and grooves with a right hand twist. Bullet fragments recovered from Civilian 2's body displayed possible polygonal rifling, however, the fragments were found to be unsuitable for further microscopic comparison. (Att. 48)

Drug and Alcohol Testing authorized by the **Bureau of Internal Affairs** determined that Officer A was free from the influence of any controlled substance at the time of the incident. (Atts. 33-37)

Other Documentary Evidence

According to **Department Reports** documented under RD Numbers HW505985 and HW505985, on 24 October 2013, Police Officers responded to a domestic disturbance call at XXXXX South Eberhart Avenue. Officers went inside the residence. Civilian 2, while holding a butcher knife, lunged at Police Officers. Officer A shot Civilian 2 in the line of duty to prevent death or great bodily harm to the Officers and Civilian 1.

Detectives interviewed involved officers A and B, and their statements were consistent with what they said during their interviews with IPRA. During Officer A's statement, he provided some additional details that were not covered in his interview with IPRA. Officer

Photograph was taken on 24 October 2013, and depicts the scene as it was at the time of the incident. However, artificial lighting was added.

A related that, once inside the residence at XXXXX South Eberhart Avenue, he and Officer B repeatedly called out to Civilian 2, asking where she was and for her to come out and turn on the lights. Officer A related that while Civilian 2 was in the hallway, he could see Civilian 2 clenching a butcher knife in her right hand. Officer A related that Officer B turned his flashlight on in the living room and shone the flashlight on Civilian 2. (Atts. 9, 50-52)

According to the **Tactical Response Report (TRR)** completed by Officer A, Civilian 2 did not comply with verbal commands and posed an imminent threat of battery, establishing a level of force likely to cause death or great bodily harm. Officer A responded with member's presence, verbal commands, and the discharge of his firearm. Civilian 2 lunged at Civilian 1, Officer A and Officer B with a knife. Officer A, in fear of his life and the life of others, discharged his weapon at Civilian 2 five (5) times. (Att. 10)

According to the **Tactical Response Report (TRR)** completed by Officer B, Civilian 2 did not comply with verbal commands and posed an imminent threat of battery with a knife, establishing a level of force likely to cause death or great bodily harm. Officer B responded with member's presence and verbal commands. Officer B did not discharge his firearm. (Atts. 12)

According to the **Officer Battery Reports (OBR)** on the date, time and location of the incident, Officers A and B were in uniform responding to a domestic disturbance. Civilian 2 attempted to stab or cut Officers A and B, as indicated in the TRR reports above. Officers A and B sustained no injury during the incident. (Atts. 11, 13)

IPRA Preliminary Report contains information identified and obtained in the preliminary stages of the investigation. (Att. 4)

No civil suit was filed relative to the facts of this incident. Furthermore, the statute of limitations to file such a claim ran on 24 October 2015.

ANALYSIS

I. INTRODUCTION

This investigation requires the reconciliation of two competing principles eloquently outlined in a recent U.S. District Court opinion in a civil matter involving a similar officer-involved shooting incident:

"[A] person has a constitutional right not to be shot unless an officer reasonably believes that he poses a threat to the officer or someone else." (citing Weinmann v. McClone, 787 F.3d 444, 450 (7th Cir. 2015) for "distilling this rule" from Graham v. Connor, 490 U.S. 386, 388 (1989) and Tennessee v. Garner, 471 U.S. 1, 11-12 (1985)). "On the other hand, police officers have a right to protect themselves, even when they do something risky like "pursu[ing] a fleeing felon into a dark alley.'" (citing Estate of Starks v. Enyart, 5 F.3d 230, 233-34 (7th Cir. 1993).

II. APPLICABLE LAW AND POLICY

The applicable Chicago Police Department General Order is 03-02-03, III, which states that a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

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

An officer's ability to confront dangerous situations and use deadly force is further codified under 720 ILCS 5/7-5 (1986). The pertinent part of the statute states that:

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

When applying the Constitutional standard to a situation, the question is whether the officer's actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Graham*, 490 U.S. at 397; see *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003). The following factors are instructive in making the determination of whether an officer's use of force is objectively reasonable: (1) "the severity of the crime at issue;" (2) "whether the suspect poses an immediate threat to the safety of the officers or others;" and (3) whether he is actively resisting arrest or attempting to evade arrest by flight." *Graham*, 490 U.S. at 396 (citing *Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985)). This reasonableness calculation "must embody allowance for the fact that police officers are often forced to make split second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham*, 490 U.S. at 396-97.

Consequently, "when an officer believes that a suspect's actions [place] him, his partner, or those in the immediate vicinity in imminent danger of death or serious bodily injury, the officer can reasonably exercise the use of deadly force." *Muhammed v. City of Chicago*, 316 F.3d 380, 383 (7th Cir. 2002) (quoting *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir. 1988) (*en banc*) (omitting emphasis)). The analysis of the reasonableness of an officer's conduct must be grounded in the perspective of "a reasonable officer on the scene, rather than with the 20/20 vision of hindsight" and "allow for the fact that police officers are often forced to make split-second judgments — in circumstances that are tense, uncertain, and rapidly evolving — about the amount of force that is necessary in a particular situation." *Plumhoff v. Rickard*, 134 S. Ct. 2012 (2014), quoting *Tennessee*, 471 U.S. at 1, internal quotation marks omitted.

III. ANALYSIS OF THE EVIDENCE

Based on the totality of the circumstances, Officer A's use of deadly force was reasonable and within CPD policy. A preponderance of the evidence demonstrates that Civilian 2 presented an imminent threat of death or great bodily harm to Officers A and B, as well as Civilian 1, when she approached the three men, failed to drop the weapon upon officer commands, raised the knife and lunged towards Officers A and B and Civilian 1. The use of deadly force by Officer A against Civilian 2 was objectively reasonable and, therefore, within bounds of Illinois State Law and CPD Policy as outlined by the CPD Deadly Force General Order 03-02-03, II.

1. Civilian 2 posed a threat of great bodily harm or death when she was in possession of a knife, refused to drop the knife, and made a threatening gesture toward the officers and Civilian 1 with the knife all while in dimly lit, close quarters.

Officer A and his partner, Officer B, responded to a domestic call, where Civilian 1 related that his sister, Civilian 2, was under the influence of crack cocaine, was destroying the interior of the house and was in possession of a knife. Although later toxicology reports indicated that Civilian 2 had not ingested any drugs, her blood alcohol level was .129. It was also confirmed by Civilian 3 that Civilian 2 had consumed alcohol beverages earlier that evening. Officers A and B were the first to respond to the scene.

As the officers arrived at the residence, they were informed by Civilian 1 that Civilian 2 had possession of a butcher knife. Officer A radioed that information to dispatch along with a request for assistance. Upon responding to a domestic incident, responding officers will immediately use all reasonable means to prevent further abuse or neglect by restoring order and control of the situation, and identifying and securing any weapons or objects that can be used as weapons, as indicated in CPD General Order 04-04 Domestic Incidents. It was certainly possible upon the officers' arrival that Civilian 2 may still be causing damage to the interior or was a potential threat to leave the residence with the knife. Civilian 1 led the two officers inside the residence and into the living room where the officers announced their office and ordered Civilian 2 to come out of her bedroom. Upon entering the residence, the officers observed very little light in the front room, furniture turned upside down and sideways, broken glass, and furniture obstructing the hallway, as shown in Figure 1 and Figure 2. When Civilian 2 emerged from the back of the house she held a knife in her hand. According to Officers A and B, they had repeatedly ordered Civilian 2 to drop the knife, but she refused. Civilian 1 further confirmed, in his interview with detectives, that Civilian 2 exited her bedroom, had a knife and did not listen to the officers. Moreover, according to Civilian 3, Civilian 2 had been under stress due to recent deaths of family members and there was animosity between Civilian 2 and her brother Civilian 1 because Civilian 1 was forcing her to move out of the house. Further, according to Civilian 3, Civilian 2 had stated on the evening of October 24, 2013, that she wanted to tear up the house. These facts are probative as to whether Civilian 2 was in a state of mind to threaten her brother and the officers that had come to his aid.

2. A reasonable officer under these circumstances would have perceived Civilian 2 actions as a significant threat:

Civilian 2 continued to walk down the hallway toward Officers A and B, as well as Civilian 1, and raised her hand and arm that held the knife as she moved from the hallway and into the living room where the three men were standing. Civilian 2 did not drop the knife despite repeated commands by the officers to do so. As seen in Figures 1 and 2, the living room is fairly small, constricted quarters, and the furniture had been tossed around creating even less room to maneuver. Retreating or creating additional distance or space was no longer an option because of the limited space in the home, as well as the fact that Civilian 1 stood farthest into the living room and was in close proximity to Civilian 2 as she entered the living room from the hallway. Fearing for his life and the lives of Officer B and Civilian 1, Officer A fired his weapon five times at Civilian 2 from a distance of six to eight feet, striking her fatally. Given the totality of the circumstances, Officer A reasonably believed deadly force was necessary to prevent death or great bodily harm to himself, Officer B and Civilian 1. As identified in *Muhammed v. City of Chicago*, "[w]hen an officer believes that a suspect's actions [place] him, his partner, or those in the immediate vicinity in imminent danger of death or serious bodily injury, the officer can reasonably exercise the use of deadly force." *Muhammed v. City of Chicago*, 316 F.3d 380, 383 (7th Cir. 2002) (quoting *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir. 1988) (*en banc*) (omitting emphasis)). After the officers instructed Civilian 2 to drop the weapon multiple times, Officer A is not required to wait until the armed assailant physically assaults him or others prior to using deadly force.

Other tribunals have found deadly force reasonable in similar incidents involving subjects with a knife. In *Porter v. City of Muncie*, 2000 WL 6822660 *1, 2000 U.S. Dist. LEXIS 7385 *1 (S.D. Ind. February 16, 2000), a mentally ill woman was walking down the street carrying a butcher knife in one

hand and a meat cleaver in the other. The woman had previously threatened her husband, and the police responded with the knowledge that she possessed a knife (*Id.* at 6-7). An officer responded to the location, saw she was carrying the knives, exited his squad car and told her on several occasions to drop the knives (*Id.*). The officer followed the woman for minutes at a distance of approximately 15 feet as she continued to disobey commands to drop the knives (*Id.*). A second officer arrived and repeatedly ordered the woman to drop the knives; at this point in time she stopped her movement, turned and looked at the second officer and began taking a couple steps towards the second officer with the meat cleaver in her left hand and the butcher knife in her right hand (*Id.*). The officers screamed for her to drop the knife, but she again pivoted and began taking steps toward the initial officer (*Id.*). The woman raised the knife in her right hand up above her shoulder and continued towards the initial officer (*Id.* at 8-10). The officer shot twice at the woman from a distance of 10-12 feet as she continued to approach him with the knife raised above her head (*Id.*). She was fatally struck twice in the chest (*Id.*). The Court held: "[a]t a distance of ten to twelve feet, which is the court's best judgment on the distance between Mrs. Porter and Officer Robbins when he fired, Mrs. Porter posed a grave and immediate threat to Officer Robbins' life and safety. In the face of that threat, the use of deadly force was a reasonable response." (*Id.* at 23). *See also Roy v. City of Lewiston*, 42 F.3d 691, 694-695 (1st Cir. 1994) (affirming summary judgment for officer who shot at close range an intoxicated suspect armed with knives).

The preponderance of the evidence indicates Officer A's actions were in accordance with the requirements of the Department's deadly force policy, in that he reasonably believed the deadly force was necessary to prevent death or great bodily harm to himself, Officer B and Civilian 1. Had either Officer retreated to outside the home, they would have potentially placed Civilian 1 in grave danger. Under these circumstances, Civilian 2 posed a grave and immediate threat to Officers A and B's and Civilian 1's safety, and with the limited options available to the officers in this space, the use of deadly force was a reasonable response. Further, it does not appear that Officer A continued to fire beyond when he perceived the threat to have ceased.

Based on the totality of circumstances, there is a preponderance of evidence showing that the use of deadly force by Officer A was objectively reasonable and necessary and, accordingly, within Department Policy. Therefore, IPRA finds that the use of deadly force by Officer A was objectively reasonable as outlined by the Chicago Police Department's General Order 03-02-03, III; Illinois State statute; and, finally, the Fourth Amendment and applicable case law.