



## Was CCW License Holder Who Helped Chicago Police Justified in Shooting at Suspect?

**When individuals obtain their concealed carry permit they take on an enormous responsibility. They carry the power to kill and must apply that power exceedingly judiciously.**



Last week a concealed-carry permit holder was commended by police for voluntarily intervening in a shoot-out in a Chicago suburb. The incident raises the question as to when an armed private citizen should intervene — and when he should not do so.

*The New American* [explained](#) how the incident unfolded in our initial report on the shoot-out:

The incident began during a “routine” traffic stop (experienced police officers will say that there is no such thing as a “routine” traffic stop) when the suspect, rather than complying with orders to pull over, accelerated up an on-ramp leading onto heavily-trafficked southbound Interstate 55. The officers successfully boxed him in and he sprinted away while firing back at the officers. The suspect hit Cicero police Officer Luis Duarte four times.

His partner took off after the suspect on foot.

That was the moment when a nearby motorist, stuck in traffic, saw the incident develop, and decided to intervene. As the *Chicago Sun-Times* reported, “that’s when someone sitting in traffic on Cicero Avenue got out of his car and began shooting at the suspect as well.”

The suspect was hit by a bullet fired either from the officer’s firearm or the citizen’s. He was taken to a nearby hospital where his condition initially was reported as “serious.” Later he was identified as a criminal violating his parole and is being held without bail.

This author, who has had a concealed carry permit and has carried a sidearm for personal protection for nearly 10 years, noted in his earlier report on the Chicago shootout:

For the average citizen with a concealed-carry permit, however, such blatant interference with a police “investigation” would likely spell more trouble for himself than he wants. Most trainers advise staying out of harm’s way in such an instance for many good reasons including: to avoid getting shot, either by the police officers mistaking the citizen for the BG (bad guy), or by the BG himself; and to avoid shooting an innocent bystander, with all the legal and financial implications that would follow.

The only time a CCW holder should become involved in a situation as dangerous as this would be if the officers either request assistance or grant it to the civilian if he offers it. Then he becomes an officer of the law with power to arrest.

When the *Chicago Tribune* took a second look at the incident late Friday evening, it posted comments



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from David Lombardo, a concealed carry instructor who has helped more than 7,000 people obtain their permits. After reviewing accounts of the incident, Lombardo concluded, “technically, he should not have engaged [intervened].” But Lombardo then added:

But, speaking as a former part-time deputy and an ex-military guy, the (citizen) was an angel. He knew what he was doing, he got involved when he didn’t have to, and he [likely] saved a cop’s life. The bad guy could have hit somebody else ... so who knows how many lives [the citizen] saved?

The *Times* then asked defense attorney Michael Johnson, who often represents individuals in concealed carry cases, for his take on the matter. Said Johnson:

It’s great that he’s [the citizen] a hero, but here’s the legal part. You can defend yourself, or another. So ... was he defending himself or another person?

If all he sees is a guy fleeing, he has no right to shoot him. The question is, at the time the Good Samaritan is shooting him, is he (the offender) a threat to somebody, or was he making a getaway?

The *Times* then explained the problem faced by any CCW permit holder observing such an incident unfold: does the concealed carry citizen “reasonably believe [he] or another person [is] in danger of great bodily harm or death?”

It’s a split-second decision he must make while a jury (if it comes to that) has all day to second-guess that decision.

A similar incident occurred in Detroit, Michigan, in September 2015. An armed citizen with a CCW permit saw shoplifters fleeing a local Home Depot store, pulled out her sidearm and started shooting at them as they fled. In that case she did not hit anyone although she flattened a tire on the fleeing vehicle. As Dave Dolbee, writing at *The Shooter’s Log*, noted, “she pleaded no contest to a charge of reckless discharge of a firearm and may be sentenced to up to 90 days in jail.”

Or take the case in Warren, Ohio, last March where a woman merely displayed her firearm to stop an assault. Upon looking at the details attorney Thad Wexler told reporters:

In that particular case in Warren, it sounds like there was an assault going on where someone was getting hurt at the time. An assault can lead to danger for the other person, so the use of a gun is probably not unreasonable.

CCW instructor Christopher Moffit said, “There has to be a real and honest belief of danger.” NRA Instructor Bob Joly defined the terms even more clearly: “The only time a CCW holder can legally pull a gun is when his life, or the life of another person, is in imminent danger of great bodily injury or death. In the Chicago case, was it reasonable for the citizen to intervene to save the cop’s life? Was the cop’s life in danger, or not?”

Since the citizen’s identity and whereabouts remain unknown, and there appears to be no record of any charges being levied against him, a jury isn’t going to have to answer those questions. But for CCW holders, those questions remain.

*Photo: soda1526/iStock/Getty Images Plus*

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