

INVESTIGATION

NUMBER: Log #1058935/ U #12-48

OFFICER

INVOLVED: “Officer A” (Chicago Police Officer); Male/White; 32 years old;
Off-Duty; Year of Appointment – 2002

OFFICER’S

INJURIES: Multiple Gunshot Wounds (left chest, left forearm)

SUBJECT/

OFFENDER: “Subject 1”; Male/Hispanic; 27 years old

SUBJECT/

OFFENDER’S

INJURIES: Gunshot wound to left leg

INITIAL

INCIDENT: Attempted Armed Robbery / Attempted Murder

DATE/TIME: 10 December 2012, 0033 hrs

LOCATION: XXXX S. Nashville Ave

SUMMARY OF INCIDENT:

On 10 December 2012, at approximately 0033 hours, Officer A was returning to his home, at XXXX S. Nashville. Officer A was off duty and had his two year old son, [Officer A's Son], in the rear seat of his 2004 Nissan Sentra.

Officer A parked his vehicle, exited, and began to walk to the passenger side of the car to retrieve his son from the car seat. Officer A would later relate that as he walked towards the passenger side of the car he passed a subject now known as Subject 1 walking down the sidewalk.

As Officer A reached the rear passenger door of his vehicle, Subject 1 quickly changed direction and approached Officer A. Subject 1 displayed a semi-automatic pistol and demanded that Officer A turn over his money and his wallet. As Subject 1 made these demands, he pointed his pistol back and forth between Officer A and his two year old son.

Officer A produced his back-up (personally owned) firearm, a Kahr Arms P380, and announced the office of the Chicago Police. In fear of his life, and the life of his son, Officer A fired upon the armed Subject 1. Subject 1 returned fire, striking Officer A in the upper left chest and his left forearm.

Officer A was able to discharge his firearm seven (7) times during the exchange of gunfire. Subject 1 discharged his 9mm pistol at least five (5) times.

As Officer A fell to the ground, Subject 1 fled the area. At the time it was unknown if Subject 1 had been struck by gunfire. It was later learned that Officer A had shot Subject 1 in the left leg.

Emergency services responded and medical attention was provided for Officer A. The scene was protected and preserved for forensic processing. As this event was initially classified and reported as a 'shots fired, no hits,' IPRA personnel did not respond to the scene.

As the criminal investigation into this event continued, CPD detectives identified Subject 1 as the potential suspect involved in the shooting of Officer A. On 13 December 2012, Subject 1 was apprehended at 35 S. Hudson Street in Westmont, Illinois. Upon his apprehension, it was learned that Subject 1 had sustained a gunshot wound to his left lower leg. Subject 1 received medical attention, and was subsequently interviewed regarding his involvement in this event.

In the interview of Subject 1 by CPD detectives, he initially denied his involvement in the attempted robbery, and shooting, of Officer A. As the interview progressed, Subject 1 made several admissions regarding his involvement, including statements that indicated that he acted alone.

Subject 1 was charged with Attempted Murder to a Police Officer, Attempted Robbery while Armed with a Firearm, and two (2) counts of Aggravated Battery to a Police Officer.

INVESTIGATION:

Officer A provided a statement to IPRA regarding this event that is consistent with the summary of event.

Officer A related that Subject 1 initially pointed his firearm at his son (Officer A's Son), while demanding that Officer A turn over his wallet. Officer A related that Subject 1 then began pointing his firearm back and forth between him (Officer A) and his son (Officer A's Son). Officer A waited for Subject 1 to point his firearm at him, and at that point Officer A drew his firearm, announced that he was a police officer, and fired.

Officer A stated that he "thought (Subject 1) was going to kill one of us."¹ Officer A further related that he "noticed that the weapon wasn't pointed at my son anymore, and it was pointed at me. That's when I discharged my weapon...I just thought my son was gonna die, and I didn't want him to die, and, and, and that was my response. Fearing for my life, and his life."²

Officer A related that as he began to fire at Subject 1, Subject 1 began to fire upon him. Officer A related that as he fired he was attempting to move away from his vehicle in order to draw fire away from his son. Simultaneously, Subject 1 was retreating as he was firing. Officer A recalled that he was struck once in the left wrist, and struck again in the chest by the last round fired by Subject 1.

According to **Medical Records from Christ Hospital**, Officer A was treated for a through and through gunshot wound to his left wrist and a gunshot wound to his left chest.

Attempts to interview Subject 1 were made. Subject 1 refused to cooperate with the investigation being conducted by IPRA.

According to **Medical Records from St. Bernard Hospital**, Subject 1 was treated for a single through and through gunshot wound to his left calf. The records also note that Subject 1 had two bruises to his chest, which he indicated were caused by cigarette burns. The records notate that these bruises, however, were not consistent with cigarette burns.

A **Canvass** of the area of the incident was made in an attempt to locate additional witnesses and/or evidence. Additional information was not discovered. It is noted that there is no physical or testimonial evidence that refutes the statements provided by Officer A.

The **Department Reports, Tactical Response Reports, and the Officer's Battery Reports** all provided information that is consistent with the statements given by Officer A.

¹ Attachment 56, Pg 13, lines 23-24

² Attachment 56, Pg 15, lines 2-10

The detective reports indicate that multiple members of Subject 1's family, as well as his associates, provided statements regarding Subject 1's involvement in the attempted robbery and shooting that took place at XXXX S. Nashville on 10 December 2012.

Said reports relate that Subject 1 went to Female A's apartment following the shooting, there Female A attended to Subject 1's gunshot wound. Subject 1 related to Female A that he had attempted to rob someone near 63rd Street, and that the potential victim had began to shoot at him. Subject 1 related to Female A that he fired back and fled the area.

The **OEMC and PCAD reports** were collected and made part of this case file. An analysis of said documents show no information that is inconsistent with the facts as related by Officer A.

Illinois State Police Forensic Science Laboratory Reports document the examination of the recovered ballistic evidence. It was determined that all of the .380 fired casings were fired from Officer A's Kahr P380. Further examination of the 9mm fired casings indicated that they were all fired from the same weapon.

Court Records regarding the charges against Subject 1 in this event were obtained. The criminal case against Subject 1 is still ongoing at this time.

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 03-02-03, III:

- A. "a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:
1. to prevent death or great bodily harm to the sworn member or another person, or;
 2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involved 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 or she will endanger human life or inflict great bodily harm unless arrested without delay."

While off duty, outside of his home, and in custody of his two year old son, Officer A became the victim of an armed robbery. The offender, Subject 1, displayed a firearm and pointed the weapon at both Officer A and his son, while demanding that Officer A hand over his wallet.

Officer A would later relate that he feared Subject 1 would kill him and/or his son. In order to protect his life, and the life of his son, Officer A discharged his weapon, striking Subject 1 and interrupting the attempted armed robbery.

Officer A struck Subject 1 once in the lower left leg; Officer A himself was struck in the wrist, and the upper left chest area. Officer A sustained serious, life threatening injuries.

Based on the totality of the circumstances, Officer A's actions were reasonable to prevent death or great bodily harm.