

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
LOG #1068101 / U# 14-08

TO: Chief Administrator
Civilian Office of Police Accountability

FROM: Major Case Specialist Thomas Kalantzis #36

SUBJECT: Log #1068101
U #14-08

REFERENCE: RD# HX192528

DATE/TIME: March 20, 2014, 6:42 p.m.

INVOLVED OFFICER #1: WILLIAMS, Tracey; Chicago Police Officer, Star #4947; Unit 211; black female; employee # [REDACTED]; DOB: [REDACTED] 1978; DOA: 30 July 2007; On-duty; Plainclothes; Beat 4172C.

OFFICER #1'S WEAPON: Glock, model 17; 9mm semi-automatic pistol; Serial # [REDACTED]; City Registration # [REDACTED]; FOID # [REDACTED]; Winchester 9mm Luger +P ammunition; 12 live rounds recovered from firearm; weapon capacity of 16 rounds; Fired four (4) times.

OFFICER #1'S INJURIES: None Reported.

OFFICER #2: WILLIAMS, Benny; Star #12544; Unit 211; black male; Employee # [REDACTED]; DOB: [REDACTED] 1971; DOA: 09 March 2009; On-duty; plainclothes; Beat 4172B.

OFFICER #2'S WEAPON: Glock, model 19; 9mm semi-automatic pistol; Serial # [REDACTED]; City Registration # [REDACTED]; FOID # [REDACTED]; Winchester 9mm Luger +P ammunition; 11 live rounds recovered from firearm; weapon capacity of 18 rounds; Fired seven (7) times.

OFFICER #2'S INJURIES: None Reported.

SUBJECT: [REDACTED] black male; DOB: [REDACTED] 1996; Address: [REDACTED]; IR #2118937.

SUBJECT'S INJURIES: One gunshot wound to left leg; non-fatal. Treated at Stroger Hospital.

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SUBJECT'S

WEAPON: Firearm not recovered.

LOCATION: 4459 S. Princeton Avenue (rear yard).

TIME OF IPRA

NOTIFICATION: 6:56 p.m.

TIME OF IPRA

RESPONSE: 7:40 p.m.

I. INTRODUCTION:

On March 20, 2014, at approximately 6:42 p.m., Chicago Police Department Officers Marvin Coleman #13056, John Kennedy #12134, Benny Williams #12544, and Tracey Williams #4947 were assigned to an Area Saturation Team and were conducting routine patrol in an unmarked Chevrolet Tahoe. The officers were traveling north on Princeton Avenue toward 45th Street when they observed two black male subjects, now known as [REDACTED] and [REDACTED] walking south out of the east alley of Princeton Avenue, toward 45th Street. Officer Coleman observed [REDACTED] holding a "nickel-plated" handgun by his right side. Officer Coleman alerted the other officers that [REDACTED] had a gun. At a distance of approximately thirty feet, Officer Coleman stopped the vehicle and the two subjects split up. [REDACTED] walked westbound on 45th Street. Officer Kennedy exited the police vehicle and immediately stopped [REDACTED]. Officers Benny Williams and Tracey Williams exited the police vehicle and approached [REDACTED]. [REDACTED] turned around and ran northbound in the east alley and Officers Benny Williams and Tracey Williams pursued him.

[REDACTED] ran to the rear yard of 4459 S. Princeton Avenue where, according to the officers, he stopped, turned towards the two officers and pointed a handgun at them. Both Officer Tracey Williams and Officer Benny Williams then discharged their firearms multiple times at [REDACTED]. [REDACTED] ran westbound through the south gangway of the building and turned and pointed his firearm at the officers two additional times. Officer Benny Williams stopped and discharged his firearm again. [REDACTED] did not fire his weapon at the officers. Officer Benny Williams later stated he discharged his firearm seven times; Officer Tracey Williams stated she discharged her firearm four times.

[REDACTED] crossed Princeton Avenue, continued west through an empty lot at approximately 4460 S. Princeton Avenue, and ran into the alley west of Princeton Avenue. [REDACTED] then ran northbound in that alley and the officers lost sight of him. The officers next ran westbound to Shields Avenue and met with Officer Coleman, the driver of the police vehicle, who told them that [REDACTED] did not come out of the alley. The officers ran back to the west alley of Princeton Avenue. Within a short time, [REDACTED] himself called 911 and reported that he had been shot and that he was located at 4444 S. Princeton. The officers searched the vicinity of 4444 S. Princeton and eventually found [REDACTED] at 4448 S. Princeton. It was discovered that [REDACTED] had suffered a gunshot wound to his lower left leg. Although a search of the premises and the area was conducted, the firearm that [REDACTED] was observed holding and pointing at the officers was not recovered.

II. INVESTIGATION:

In a **statement to IPRA** on March 21, 2014, the subject, [REDACTED] related that he and his friend, [REDACTED] were walking in the vicinity of 45th Street between Wells and Princeton Streets when they observed a gold-colored Chevy Impala driving on Princeton at a high rate of speed. The vehicle came to a stop near the

stop sign, reversed its direction and then drove in the direction of [REDACTED] and [REDACTED] at a high rate of speed. The vehicle came to a stop and [REDACTED] observed the two back doors open. Fearing that his life was in danger because he was in a high crime area, [REDACTED] took off running into the alley. [REDACTED] did not see who exited the vehicle. [REDACTED] stated that he would not have run if he knew that it was the police. [REDACTED] stated that he did not know what happened to [REDACTED]. As he ran in the alley and reached the back of a house, [REDACTED] iPhone¹ fell out of his Raiders jacket in front of him and [REDACTED] stopped momentarily to pick it up. [REDACTED] then heard several gun shots fired, turned his head and observed a white male officer, who [REDACTED] recognized as Officer Robert Vahl from a previous arrest, shooting at him.² [REDACTED] stated that when he looked back, he also recognized a second officer in the alley based on the officer's black vest. [REDACTED] stated that the second officer did not shoot at him. When asked why he continued running after he realized that it was the police chasing him, [REDACTED] responded that he kept running because he was being shot at. [REDACTED] sustained a gunshot wound to the left leg but continued running through a gangway, as more shots were fired in his direction. He ran across Princeton and observed the same Chevy Impala coming up Princeton; at that point, [REDACTED] recognized that the Chevy Impala was a police vehicle. [REDACTED] ran through a field, pushed open a gate to a yard and locked the gate. [REDACTED] lied underneath a porch and called his father, who did not answer. [REDACTED] remained there until several officers arrived and placed him under arrest. When an ambulance arrived, officers carried [REDACTED] to a "red chair" because he was unable to walk. The ambulance then transported him to Stroger Hospital. [REDACTED] denied possessing a firearm and denied having any object in his hands or his waistband at the time that he was shot. (Att. #34-35, 51)

In a **handwritten statement** to CPD Detective Brian Daly #20640 and Cook County Assistant State's Attorney Kathryn Morrissey on March 21, 2014, the witness, [REDACTED] stated that on March 20, 2014, at approximately 6:42 p.m., she was at home at [REDACTED]. [REDACTED] was with her friend, [REDACTED], when she heard three to four shots fired outside. Because her daughter was playing outside, [REDACTED] ran downstairs and exited the building in order to bring her daughter back inside. [REDACTED] observed a dark-skinned black male with dreads, wearing a black hoodie and blue jeans, running westbound through a vacant lot. [REDACTED] stated that the dark-skinned man was swinging his right arm and held a silver gun in his right hand. [REDACTED] observed a police officer chasing the dark-skinned man. [REDACTED] stated that the officer eventually stopped running and was looking in the yard of the building next door. [REDACTED] stated that the next time she saw the dark-skinned man, he was handcuffed and the paramedics were bringing him out of the back yard. At the conclusion of her statement, [REDACTED] added that she was not threatened or promised anything to make this statement. In addition, [REDACTED] stated that her

¹ The cell phone was recovered from [REDACTED] by Officer Robert Vahl #7350 at 4448 S. Princeton and inventoried under Inventory #13131861. The cell phone is described as a white iPhone. The Evidence Technicians did not photograph [REDACTED] cell phone.

² This allegation, along with other allegations of excessive force by [REDACTED] was investigated under Log# 1068191. CPD records indicate that Officers Robert Vahl and Steve Barsch #18287 arrested [REDACTED] on 13 March 2013 on a juvenile warrant for theft.

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statements was true and correct and that she gave the statement of her own free will. (Att. #102)

Attempts to Contact witnesses [REDACTED] and [REDACTED] by telephone, letter and personal visits were unsuccessful. In particular, IPRA Investigator Brian Killen telephoned [REDACTED] at her contact number and [REDACTED] informed him that she would not cooperate with the IPRA investigation in any way. In addition, the R/S made several additional telephone calls and mailed letters to both [REDACTED] and [REDACTED] without any response from either individual. Attempted out-of-state subpoena service by certified mail was returned to the R/S without being claimed by either individual. (Att. #'s 30, 48, 53-59, 89-95)

IPRA Investigators conducted two separate canvasses, in an attempt to locate additional witnesses and/or evidence. The canvasses did not yield any witnesses or additional information. (Att. #27-28)

According to **Department Reports under RD# HX192528, including the Arrest Report, Original Case Incident Report and Detective Supplementary Reports**, [REDACTED] was arrested on March 20, 2014, at 6:45 p.m., at [REDACTED], and charged with several counts of Aggravated Assault with a firearm. The arresting officers were PO's Tracey Williams #4947 and Benny Williams #12544. It is reported that [REDACTED] was arrested after pointing a handgun at the two aforementioned officers. Witness PO Marvin Coleman #13056 had observed Mr. [REDACTED] standing in the east alley of Princeton holding a handgun in his waistband. When Officers T. Williams and B. Williams approached, [REDACTED] fled and then pointed his gun at the two officers. The officers, fearing for their life, discharged their weapons toward [REDACTED] fled on foot eastbound through the gangway and across Princeton Avenue. [REDACTED] was eventually arrested following a search of the area. No firearm was recovered after officers searched the vicinity; a canine unit and a police helicopter were also utilized in the search. [REDACTED] was charged with two counts of aggravated assault on an officer with a firearm; two counts of resisting/obstructing an officer; one count of aggravated unauthorized use of a weapon; and one count of unlawful possession of a handgun.

The reports indicate that witnesses [REDACTED] and [REDACTED], who reside at [REDACTED], observed [REDACTED] running from the police while holding a chrome handgun. Both witnesses later identified [REDACTED] as he was being placed in an ambulance as the individual they had seen running from the police while armed with a handgun.

The reports further indicate that witness [REDACTED] told the detectives that he and [REDACTED] were exiting the east alley of Princeton when [REDACTED] observed the police approaching in an unmarked vehicle. The officers exited their vehicle and approached [REDACTED] and [REDACTED] stated [REDACTED] fled on foot in the alley while [REDACTED] stopped and one officer approached him. [REDACTED] heard shots and all

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the officers pursued ██████████ then ran to a park on the southeast corner of 45th and Princeton where he was detained by park security.³ (Att. #4-8, 63, 78-79)

According to the **Tactical Response Report (TRR)** completed by Officer Benny Williams, ██████████ did not follow verbal direction, fled, and used force likely to cause death or great bodily harm by pointing a handgun at the two officers. Officer Benny Williams responded with member presence, verbal commands, and the discharge of his firearm. Officer Benny Williams discharged his firearm seven times from a distance of 10 to 15 feet. (Att. #9)

According to the **Tactical Response Report (TRR)** completed by Officer Tracey Williams, ██████████ did not follow verbal direction, fled and used force likely to cause death or great bodily harm by pointing a handgun at the two officers. Officer Tracey Williams responded with member presence, verbal commands, and the discharge of her firearm. Officer Tracey Williams discharged her firearm four times from a distance of 10 to 15 feet. (Att. #11)

According to the **Officer's Battery Report (OBR) of Officer Benny Williams**, Officer Benny Williams was in citizen's dress in pursuit of an offender, now known as ██████████ on March 20, 2014, at approximately 6:42 p.m., in the alley behind 4459 S. Princeton Avenue. ██████████ pointed a weapon in the direction of Officer Benny Williams. Officer Benny Williams did not sustain any injuries. (Att. #10)

According to the **Officer's Battery Report (OBR) of Officer Tracey Williams**, Officer Tracey Williams was in citizen's dress in pursuit of an offender, now known as ██████████ on March 20, 2014, at approximately 6:42 p.m., in the alley behind 4459 S. Princeton Avenue. ██████████ pointed a weapon in the direction of Officer Tracey Williams. Officer Tracey Williams did not sustain any injuries. (Att. #12)

Evidence Technician photographs depict the shooting scene; Officer Tracey Williams' weapon; Officer Benny Williams' numerous shell casings. A diagram of the shooting scene, prepared by Evidence Technician Abdalla Abuzanat #15206 and Forensic Investigator Nancy De Cook #5300, depicts the locations of the fired cartridge cases (Evidence Marker #'s 1-10). (Att. #19-24, 86)

The **OEMC and PCAD reports** were collected and made part of this case file. In particular, at approximately 18:42:37, a female officer, now known as Officer Tracey Williams, broadcasts to OEMC that shots were fired at and by the police. In addition, at approximately 18:45:57, ██████████ makes a telephone call to 911, stating that he has been shot and requests an ambulance; ██████████ provides his location as 4444 S. Princeton Avenue. The recordings capture the search for the suspect and his apprehension, which occurs at approximately 18:50:01. A search for the suspect's firearm follows and both a

³ ██████████ was detained by Officers Jason Sollis #11022 and James Boreczky #4231, because he "matched description of person wanted in regards to a shooting that occurred at 4459 S. Princeton." ██████████ was subsequently transported to the Area by the officers, who also prepared a contact card for ██████████ (Att. #14)

canine unit and helicopter are employed in the search for the weapon. The recordings document that a sewer basin in the west alley of [REDACTED] was to be drained and CPD was awaiting a Sewer Department employee. The recordings document that no firearm was found inside the sewer basin. (Att. #41-46, 83)

The **Chicago Fire Department Ambulance Report** documented that [REDACTED] was located at 4444 S. Princeton when the paramedics arrived at the scene. The narrative reflects that [REDACTED] appeared to have a gunshot wound to his lower left leg. The narrative reflects that there was an entrance wound but no exit. [REDACTED] was transported to Stroger Hospital by Ambulance #1. (Att. #40)

Medical Records from **Stroger Hospital** documented that [REDACTED] sustained one gunshot wound to his left leg. Bullet fragments were found lodged inside Mr. [REDACTED] without any evidence of fracture. (Att. #70)

Illinois State Police Forensic Science Laboratory Reports document the examination of the recovered ballistic evidence under Inventory numbers [REDACTED] and [REDACTED] in comparison to the firearms belonging Officers Tracey Williams Benny Williams. Both firearms tested were found to be in proper firing condition. Based upon analysis of ISP Reports and Forensic Reports, it was determined that Officer Benny Williams fired seven times and Officer Tracey Williams fired four times. The shell casings, one fired bullet, which was recovered from the floor inside the first-floor enclosed porch at 4459 S. Princeton, and one metal fragment, which was recovered from a bullethole in the siding on the exterior back wall of the same residence, were compared to the officers' firearms and found to match their respective weapons.

In addition, a gunshot residue test was conducted on [REDACTED] hands and clothing and logged under Inventory numbers [REDACTED] and [REDACTED].⁴ The test was positive for gunshot residue on [REDACTED] hands, meaning that [REDACTED] may have discharged a firearm, may have been in the environment of a discharged firearm, may have contacted gunshot residue with the right hand, or may have received the particles from an environmental source. The results for various items of [REDACTED] clothing, his hat, T-shirt, sweatshirt, and jacket, indicate that the sampled areas may not have contacted a gunshot residue-related item or may not have been in the environment of a discharged firearm; if they were, then the particles were not deposited, were removed by activity, or were not detected by the procedure. (Att. #69, 71)

In **court testimony at the Juvenile Justice Division** on November 2, 2015, the **involved officers, Tracey Williams and Benny Williams**, provided testimony consistent with their earlier statements to IPRA and CPD. (Att. #100)

In **court testimony at the Juvenile Justice Division** on November 23, 2015, the **witness, [REDACTED]** stated that on March 20, 2014, she was at her home of [REDACTED], on the [REDACTED]. Sometime between 6:30 and 7:00 p.m., [REDACTED] was

⁴ [REDACTED] clothing included his hat, T-shirt, sweatshirt, and jacket; however, gunshot residue was only recovered and examined from the left and right cuffs of [REDACTED] jacket.

lying in bed watching television with [REDACTED] while her daughter, who was eight years old at the time, was playing outside with two of her friends. [REDACTED] heard three to four gunshots coming from the front of the residence and ran down the stairs. [REDACTED] screamed her daughter's name and her daughter and the two friends ran up the stairs. As she stood on the front stairs, [REDACTED] observed a gold-colored vehicle parked in the middle of the street directly in front of her residence and a "darker-skinned boy" running from around the car toward the alley behind her residence. [REDACTED] stood approximately twenty feet away and observed that the young individual had his hair in dreadlocks and wore a black hoodie and blue jeans. [REDACTED] testified that it was still light outside and that she had never seen the subject before. According to [REDACTED] the subject was not carrying anything but was holding the right side of his waist. [REDACTED] did not know if the subject was holding his pants.

[REDACTED] stated that the subject ran very fast through an open lot south of [REDACTED] location, pursued by a white male officer holding a gun, who was approximately five feet behind the subject. [REDACTED] testified that it appeared that the white male officer then lost sight of the subject and stayed by the lot. [REDACTED] testified that approximately thirty police vehicles arrived and [REDACTED] returned to her apartment where ten officers "bust[ed]" through her back door searching for the young individual and asking about a gun. [REDACTED] testified that she next saw the young individual approximately ten minutes later, when [REDACTED] observed officers "dragging" him from the basement in the back of her building. [REDACTED] testified that the following day, a female Assistant State's Attorney, now known as Kathryn Morrissey, and a detective, now known as Detective Daly, arrived at [REDACTED] residence and [REDACTED] had a conversation with them.

During her testimony, [REDACTED] was presented with a written statement signed by her that she identified as her statement to ASA Morrissey. [REDACTED] testified that ASA Morrissey wrote the statement down, that ASA Morrissey read it out to her, and that she signed each of its six pages after making and initialing corrections. When asked whether she told ASA Morrissey and Det. Daly that she had observed a dark-skinned man running west through the vacant lot swinging his right arm with a silver gun in his hand, [REDACTED] responded that she never saw a gun. [REDACTED] also denied stating to ASA Morrissey and Det. Daly that the next time she saw the man was when he was coming out of the backyard, being escorted by paramedics. (Att. #97)

In court testimony at the Juvenile Justice Division on November 23, 2015, ASA Kathryn Morrissey stated that on March 21, 2014, she was assigned to the Felony Review Unit and received an assignment to interview [REDACTED] ASA Morrissey, accompanied by two detectives, went to [REDACTED] apartment and spoke to her. ASA Morrissey testified that she explained to [REDACTED] that she was a prosecutor and a lawyer but she was not [REDACTED] lawyer or a lawyer for anyone in the case. [REDACTED] indicated verbally that she understood. ASA Morrissey spoke for a few minutes with [REDACTED] away from the detectives about what had occurred on March 20, 2014. ASA Morrissey testified that she asked [REDACTED] if she had been threatened and [REDACTED] replied that "everything was fine." [REDACTED] agreed to have her statement memorialized and ASA Morrissey wrote it by hand in the presence of Detective Daly. ASA Morrissey testified that she reviewed the six-page

statement with ██████ made corrections, initialed the corrections, and signed her name at the bottom of each page. ASA Morrissey and Detective Daly also signed each page. In her testimony, ASA Morrissey read from Page 3 of ██████ statement:

Page 64, Line 22

A: “█████ says the guy was running west through a vacant lot swinging his right arm with a silver gun in his hand.”

Page 65, Line 4

A: “█████ says the next time she saw the man he was coming out of the backyard. ██████ says the man was with the paramedics but had handcuffs on.”
(Att. #97)

Court Documents for Juvenile Justice Division case number 14 JD ██████ indicate that on February 29, 2016, following a bench trial, ██████ was found guilty of two counts of aggravated assault Class A misdemeanor⁵ and two counts of resisting arrest. ██████ was found not guilty of two counts of aggravated unlawful use of a weapon and one count of unlawful possession of a firearm. In his decision, the Honorable Terrence V. Sharkey noted:

Page 42, Line 14

“The key to me really comes down to ASA Morrissey and Ms. ██████ testimony... but it wasn’t a day or two after, it was one day after. It was that very afternoon, the next afternoon, that the Assistant State’s Attorney and the detective – the lead Detective Daly on the case went out and talked to Ms. ██████ It’s at that time it’s fresh in her mind. It’s a written – handwritten statement written by the State’s Attorney but reviewed, initialed [*sic*], changed, signed by Ms. ██████ that in fact she did see a handgun in his right hand as he was running. And now when she testified months later, she’s not sure. Now she says she didn’t believe – she didn’t say that to the State’s Attorney. I’m choosing not to believe her on the stand. I’m choosing to believe her handwritten statement that she did see a gun.”
(Att. #96).

In a **statement to IPRA** on March 21, 2014, **Officer Marvin Coleman #13056**, related that he was the driver of an unmarked vehicle, conducting routine patrol, with three partners: Officer Tracey Williams, who was the front seat passenger; Officer Kennedy, who was in the driver’s rear seat; and Officer Benny Williams, who sat behind Officer Tracey Williams. Officer Coleman was proceeding northbound on Princeton Avenue and then eastbound on 45th Street, when he observed two males, now known as ██████ and ██████ exiting the east alley of Princeton.

Officer Coleman observed ██████ produce a “nickel-plated” handgun in his right hand and hold it by his right side; Officer Coleman did not observe whether ██████ pulled the handgun from his waist or his pocket. Officer Coleman alerted his

⁵ The court held that the State failed to prove beyond a reasonable doubt that ██████ firearm was a Category I, II or III weapon that would have upgraded the counts to a Class 4 Felony.

partners, who immediately exited the vehicle. Officer Coleman did not know if he “said gun or look up, or, or what.” Officer Tracey Williams and Officer Benny Williams approached ██████ who then ran northbound in the alley. Officer Coleman remained in the mouth of the alley to see which way ██████ was going to run. When ██████ turned westbound toward Princeton Avenue, Officer Coleman completed a three-point turn on 45th Street to try to cut him off on Princeton Avenue. As he was about to head westbound on 45th Street, Officer Coleman heard shots fired but he did not observe who fired the shots. As Officer Coleman drove northbound on Princeton, he observed that ██████ had already crossed Princeton Avenue, running westbound; Officer Coleman observed that ██████ was still holding the firearm in his right hand.

Officer Coleman stated that ██████ ran westbound in a vacant lot west of Princeton, pursued by Officer Benny Williams. Officer Coleman continued to drive northbound to the next block and turned westbound to Shields Avenue, where he waited for ██████ to appear. Officer Coleman did not see ██████ reach Shields Avenue, but he observed Officer Benny Williams running onto Shields Avenue. Officer Coleman then told Officer Benny Williams that ██████ had not appeared.⁶ PO Benny Williams walked back eastbound to search for ██████. Officer Coleman remained on Shields Avenue for a short time and then heard other officers yell out that ██████ had been located. Officer Coleman proceeded on foot to the back of a two-floor building and observed ██████ hiding at the bottom of a staircase. ██████ was then placed in custody.⁷ Officer Coleman stated that he did not know what happened to the firearm he had seen ██████ holding. (Att. # 26, 50)

In a **statement to IPRA** on May 2, 2014, **Officer John Kennedy #12134**, related that he was seated behind Officer Coleman, who was the driver of the unmarked vehicle. As Officer Coleman turned eastbound on 45th Street from Princeton Avenue, Officer Kennedy observed ██████ and ██████ emerge from the east alley of Princeton Avenue and look toward the officers’ vehicle. The two individuals then huddled together in the mouth of the alley and split up. Officer Kennedy could not see what the two individuals were doing with their hands and considered it suspicious. Officer Coleman stopped the vehicle approximately thirty feet from ██████ and Officer Kennedy exited the vehicle and stopped ██████ in order to conduct a field interview. Officers Benny Williams and Tracey Williams approached ██████ who began to run northbound bound in the alley, and the two officers ran after him. As Officer Kennedy spoke to ██████ he heard approximately seven gunshots. Officer Kennedy ran to the alley and observed Officers Benny Williams and Tracey Williams running westbound through a gangway. Officer Kennedy did not observe who fired the shots. Officer Kennedy followed the other officers across Princeton Avenue and remained on the west side of Princeton Avenue in case ██████ came running in that direction. Officer Kennedy then joined the other officers searching for ██████ and, approximately ten minutes later, heard on the radio

⁶ Officer Coleman apparently spoke face-to-face with Benny Williams, because the Event Queries do not indicate any radio transmissions between the two officers regarding the foot pursuit. (Att.#46)

⁷ Officer Coleman was not asked which officer placed ██████ into custody; the arrest report does not indicate which officers placed him into custody. (Att. #4)

that he had been arrested. Officer Kennedy headed to the location of [REDACTED] arrest and observed him being escorted to a police vehicle.⁸ Officer Kennedy stated that he did not know which officers placed [REDACTED] in custody. Officer Kennedy proceeded to assist in the search for [REDACTED] firearm by searching the entire route which he thought [REDACTED] ran through; however, the firearm was not recovered. (Att. # 65-66)

In a statement to IPRA on May 19, 2014, Officer Benny Williams #12544, stated that he and his partners were driving northbound on Princeton when they arrived at 45th Street. Officer Benny Williams observed [REDACTED] and [REDACTED] coming out of the east alley of Princeton. The officers turned eastbound on 45th Street and Officer Benny Williams noticed that [REDACTED] and [REDACTED] looked in the officers' direction and stopped walking. It appeared to Officer Benny Williams that [REDACTED] and [REDACTED] were "manipulating" some kind of object between them. The police vehicle came to a stop and Officers Kennedy, Benny Williams and Tracey Williams exited. [REDACTED] walked westbound from the alley and Officer Kennedy approached him, while [REDACTED] walked northbound in the east alley of Princeton. Officers Benny Williams and Tracey Williams approached [REDACTED] announced their office and told him to walk toward them. [REDACTED] turned in the officers' direction and again began "manipulating" an unknown object in his waistband. Officer Benny Williams explained that it appeared to him that [REDACTED] was attempting to conceal the object in his waistband. When the officers were approximately 10 to 15 feet away, [REDACTED] began to run and Officer Benny Williams ran after him. Officer Benny Williams ordered [REDACTED] to stop but [REDACTED] continued to run. Officer Benny Williams observed that [REDACTED] was still holding "something underneath his waistband or in his waistband." At 4459 S. Princeton, [REDACTED] turned westbound onto a property with a cement pad, where a garage used to stand. [REDACTED] stopped running, turned toward his left side and, with his right hand, pointed a silver-colored firearm at Officer Benny Williams, who was standing in the alley. Officer Benny Williams unholstered his firearm and discharged his firearm; the officer did not recall how many times he discharged his firearm, but believed that it was more than one time. Officer Benny Williams heard other gunshots but did not know where they came from. Officer Benny Williams did not observe any flash from [REDACTED] firearm. [REDACTED] then ran westbound toward the south gangway of the property, turned to his right without stopping, and pointed his firearm at Officer Benny Williams. Officer Benny Williams stopped on the cement pad and discharged his firearm more than once from an approximate distance of ten to twelve feet. [REDACTED] ran approximately three to five feet and turned a third time and pointed the firearm at Officer Benny Williams. Officer Benny Williams remained on the cement pad and discharged his firearm more than once at [REDACTED] entered the gangway of the residence and Officer Benny Williams ran after him. The officer chased [REDACTED] across Princeton Avenue and observed him turn northbound in the west alley of Princeton Avenue, still holding the firearm in his right hand. Officer Benny Williams then lost sight of [REDACTED] Officer Benny Williams joined other officers in the search for [REDACTED] Officers eventually located [REDACTED] who was subsequently arrested. Officer Benny Williams stated that when he arrived at the location of [REDACTED] arrest, he observed a trail of blood on the ground and later learned that [REDACTED] had been shot in the leg. Officer Benny Williams stated that he did not

⁸ [REDACTED] was transported to Stroger Hospital by Ambulance #1. (Att. #40)

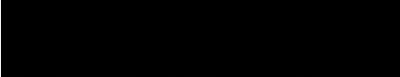
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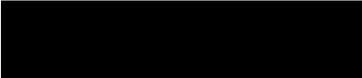
participate in the search for [REDACTED] firearm. Officer Benny Williams later learned that Officer Tracey Williams had also discharged her firearm, but he had not observed her doing so. (Att. # 72, 74)

In a **statement to IPRA** on May 19, 2014, **the involved officer, Tracey Williams #4947**, stated that as their police vehicle was heading northbound on Princeton, she observed [REDACTED] and [REDACTED] coming out of the east alley of Princeton onto 45th Street. Officer Coleman turned eastbound toward the two individuals, and [REDACTED] and [REDACTED] looked in the officers' direction and stopped walking. Officer Tracey Williams stated that the two individuals turned to face each other and appeared to be exchanging something with their hands. According to the officer, [REDACTED] then "did something with his hands, went up under his hoodie or coat" and then turned around and began walking northbound in the alley. [REDACTED] walked westbound on 45th Street. Officer Tracey Williams exited the vehicle and approached [REDACTED] while Officer Kennedy approached and stopped [REDACTED]. Officer Tracey Williams looked at [REDACTED] announced her office and ordered him to come back. [REDACTED] began to walk faster and Officer Tracey Williams repeated her order. [REDACTED] then ran northbound and Officer Tracey Williams pursued him. As she was running, Officer Tracey Williams observed Officer Benny Williams run past her as he also chased [REDACTED]. Officer Tracey Williams removed her firearm from its holster as she ran. When [REDACTED] turned westbound at the above location, he stopped on a concrete slab where a garage used to stand. [REDACTED] then turned around to his left, extended his right arm and pointed a silver firearm at the two officers. Officer Tracey Williams stated that this was the first time that she observed a firearm in [REDACTED] hand. Officer Tracey Williams stopped in the alley, raised her firearm and discharged it at [REDACTED] at a distance of approximately ten to fifteen feet. Officer Tracey Williams did not know at the time how many times she discharged her weapon, but stated that it was more than one time. She heard Officer Benny Williams, who was approximately seven to ten feet north of her position, discharge his firearm. [REDACTED] ran westbound toward the gangway, turned to his right this time and pointed his firearm at the officers without stopping. Officer Tracey Williams observed Officer Benny Williams discharge his firearm at [REDACTED]. Officer Tracey Williams went on the police radio and reported that shots were fired by and at the police. Although she stated that she did not observe a muzzle flash from [REDACTED] firearm, Officer Tracey Williams explained that she believed that [REDACTED] had discharged his firearm because she heard gunshots when [REDACTED] pointed his firearm at the two officers. The officers pursued [REDACTED] across Princeton Avenue until he turned northbound and they lost sight of him. Additional officers arrived on the scene and searched for [REDACTED] who was eventually found under a porch. Officer Tracey Williams participated in the search for [REDACTED] firearm but she did not find anything. Officer Tracey Williams did not know how many times she discharged her firearm, but she later found out she discharged her firearm four times. (Att. # 73, 75)

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
LOG #1068101 / U# 14-08


Thomas Kalantzis #36
Major Case Specialist

Approved:


Mark A. Javier #17
Supervising Investigator

IV. ANALYSIS

A. **Applicable Rules and Law**

The applicable Chicago Police Department order is General Order 03-02-03, III⁹, 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 deadly weapon or;
 - c. Otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.

In addition, the use of deadly force is codified under Illinois law, 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 affect 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...”

Finally, determinations regarding the potential use of excessive force - deadly or not - in the course of an arrest, investigatory stop, or other “seizure” are properly analyzed under the Fourth Amendment’s objective reasonableness standard. The question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Graham v. Connor*, 490 U.S. 386, 397 (1989); see *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003). Moreover, the 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*, 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*

⁹ This Summary Report references the version of General Order 03-02-03 in effect on March 20, 2014.

Chicago, 316 F.3d 380, 683 (7th Cir. 2002) (quoting *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir.1988) (en banc) and omitting emphasis)).

B. Officers Tracey Williams and Benny Williams were objectively reasonable in their use of force against ██████████ considering the totality of facts and circumstances confronting them.

1. There is a preponderance of evidence that ██████████ was armed with a firearm.

Multiple witnesses provided consistent and corroborating statements that ██████████ was in possession of a handgun. First, Officer Coleman stated that, as he drove northbound on Princeton Ave., he saw ██████████ and ██████████ exiting an alley and that ██████████ had a “nickel-plated” handgun in his hand. This observation prompted Officer Coleman to alert his partners and stop the car. Although Officers T. Williams and B. Williams did not see ██████████ with a gun when Officer Coleman notified them of the fact, they both stated that they saw ██████████ and ██████████ manipulate and/or exchange something between them. Officer T. Williams stated that the first time she saw ██████████ in possession of a gun was during the foot pursuit of ██████████ in the alley. As ██████████ ran westbound into a backyard, he stopped on a concrete slab¹⁰, turned to his left, extended his right arm and pointed a “silver” firearm at Officer T. Williams. Officer B. Williams corroborates this account and further stated that, upon seeing ██████████ point the firearm, he drew his weapon and fired at ██████████. Officer B. Williams’ discharge coincides with Officer T. Williams’ recollection of the moment she discharged her weapon. This consistency indicates that both officers were witnessing the same visual cues prior to drawing and discharging their weapons. Moreover, Shavia ██████████ a local resident, signed a handwritten statement the day after the incident stating that she witnessed ██████████ running through a vacant lot with a “silver” gun in his hand. ██████████ was in her home while her daughter played outside. ██████████ heard multiple gunshots and ran outside to grab her daughter. The close proximity in time to the events and her concern for her daughter give credence to ██████████ written statement.¹²

In addition to witness statements, ██████████ conduct provides evidence that he possessed a firearm. As Officers T. Williams and B. Williams approached ██████████ he failed to comply with their orders and ran away from them into the alley. ██████████ did not run and Officer Kennedy detained him to conduct a field interview. ██████████ flight, although not determinative, suggests a consciousness of guilt, making it more likely that he was in possession of a firearm. ██████████ claim that he ran because he did not know who was in the police vehicle and feared for his life is incredible and inconsistent with the actions of ██████████ who did not run and who complied with the officer’s commands.

¹⁰ The foundation of a garage that was no longer standing.

¹² During ██████████ criminal trial, ██████████ testified that ██████████ was holding his waist and *not* carrying anything, but the trial judge expressly found ██████████ contemporaneous handwritten statement to be more credible. Att. 96 at 42.

Apparently, ██████ did not share the same life-threatening concern as ██████ upon seeing the police vehicle. Also, ██████ stated that as he ran down the alley, his cell phone fell out of his jacket pocket and he stopped to pick it up. It is unlikely that someone running for his life would take the risk of stopping to retrieve a cell phone.¹³ Therefore, it is more likely that ██████ ran, not because he feared for his life, but because he did not want to be found in possession of a firearm.

The physical evidence collected in the case also supports the account of the officers. Multiple cartridge casings were recovered in, and around, the vicinity of the concrete slab behind 4459 S. Princeton Ave. and alley behind 4461 S. Princeton Ave. as described by Officer T. Williams and B. Williams, adding credibility to their account (see Appendix A). The shell casings located in the alley behind 4461 S. Princeton Ave. are consistent with the officers' statement that the initial discharge occurred when ██████ was ahead of the them and he turned to point a firearm at them. The shell casing recovered on the concrete slab and in the backyard of 4459 S. Princeton Ave. are consistent with the officers' account that, as they chased ██████ westbound, he again turned and pointed a handgun in their direction; therefore, Officer B. Williams again fired upon ██████. Based on the number of shell casings collected and the processing report of the officers' firearms, the shots fired at ██████ were contained to the alley behind 4461 S. Princeton Ave. and the rear of 4459 S. Princeton Ave.

Another piece of physical evidence that indicates ██████ was in possession of a firearm is the presence of primer gunshot residue (PGSR) on his right hand.¹⁴ Although the presence of PGSR alone does not conclusively prove contact or possession of a firearm; taken with the totality of evidence, it strengthens the likelihood that ██████ possessed a gun.

Despite a search that included numerous CPD personnel,¹⁵ no firearm was recovered that could be connected to ██████. However, the inability to locate ██████ weapon does not necessarily establish that he did not possess one. After ██████ is seen running west across Princeton Ave., no officer or civilian witness had visual contact with him for several minutes. ██████ admitted that he ran into a field and hid from the police. His intent to hide from the police indicates a likelihood that he would also attempt to hide a firearm that he did not want to be caught with. Although ██████ denied possessing a firearm, there were numerous motives and incentives for him to make this denial; including, criminal charges and possible civil litigation. ██████ also erroneously claimed that the officer who shot him was Officer Robert Vahl. ██████ admitted that Officer Vahl had arrested him the previous year. It is unlikely that ██████ would mistake Officer Vahl a Caucasian man, with Officer T. Williams, an African-American woman, or Officer B. Williams, an African-American man.¹⁷ Therefore,

¹³ It is much more likely that someone running from the police would stop to pick up a dropped cell phone because a cell phone could be used by the police as evidence.

¹⁴ See Attachment #71.

¹⁵ The search included a canine unit and helicopter.

¹⁷ ██████ describes Officer Vahl as a white male, approximately 5'8", with a low haircut and about 35 years old. At the time of incident, Officer Tracey Williams was a 35 year old black female, approximately 5'04" and Officer Benny Williams was a 43 year old black male, approximately 6'00".

██████████ history with Officer Vahl and the erroneous claim that Officer Vahl shot him sheds substantial doubt on ██████████ credibility.

The preponderance of evidence in this case establishes that ██████████ more likely than not, possessed a firearm on March 20, 2014. The officer and civilian testimony, together with the physical evidence, outweigh ██████████ denial of possessing a gun and the lack of a recovered firearm.

2. Officer Tracey Williams and Officer Benny Williams were reasonable in their use of force to prevent death or great bodily harm to themselves and their partner

The totality of the circumstances known to the officers at the time they discharged their weapons establishes the reasonableness of their use of force. The officers were patrolling a high crime area. Their partner, Officer Coleman, alerted them that ██████████ had a “nickel-plated” handgun. The officers observed ██████████ and Coleman engage in some type of exchange or manipulation of an item, consistent with possession of a firearm. As the officers approached ██████████ to investigate, ██████████ ran from them into an alley, indicating that ██████████ did not want to engage with the officers, also consistent with possession of a firearm. As he ran, the officers observed ██████████ manipulating something in, or around, his waistband where firearms are commonly carried. During the foot pursuit, both Officer T. Williams and Officer B. Williams witnessed ██████████ turn to his left and point a “silver” gun with his right hand.¹⁸

The belief that ██████████ was a threat to cause death or great bodily harm to the officers was reasonable. ██████████ was in the process of fleeing from the police and could reasonably have resorted to shooting at the officers to make good his escape. As discussed above, ██████████ was more likely than not in possession of a firearm. Both Illinois and Federal courts also support the notion that police officers are permitted to utilize deadly force when the 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.” *Scott v. Edinburg*, 346 F.3d 752, 758 (7th Cir. 2003) (internal quotations and citations omitted). Therefore, Officer T. Williams and B. Williams were authorized to utilize deadly force against ██████████ to prevent him from causing death or great bodily harm to themselves or their partner.

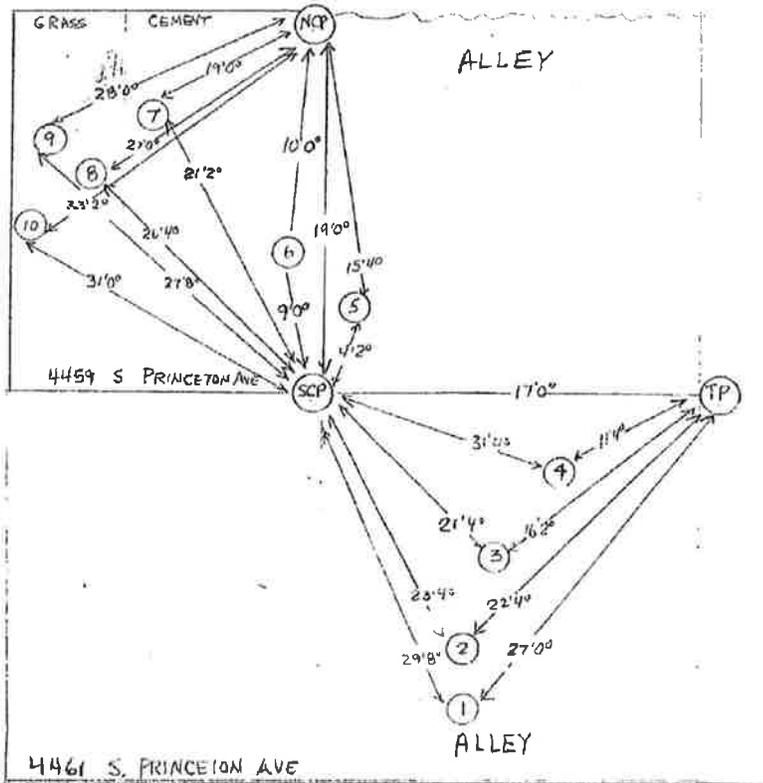
Based on the totality of the circumstances, **Officers Benny Williams’ and Tracey Williams’ use of deadly force** against ██████████ was objectively reasonable, and, therefore, **within the policy** of the Chicago Police Department.

████████████████████
Joshua Hunt #7
Deputy Chief

¹⁸ COPA finds Officer T. Williams’ and Officer B. Williams’ statements on this issue to be credible.

APPENDIX A

4461 S PRINCETON AVENUE
 POLICE SHOOTING - 20 MAR 2014
 - NOT TO SCALE -
 DECOOK * 5300 ABUZHANAT * 5841



LEGEND -
 (1) THROUGH (10) = WIN 9MM LUGER-P
 FIRED CARTRIDGE CASES
 (TP) = TELEPHONE POLE
 (NCP) = NORTH CONCRETE POST
 (SCP) = SOUTH CONCRETE POST

44
 21 MAR 14 07 41
 14 70 71344 12

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 86