

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1014189

U #08-005

**SUBJECT:** Log #1014189/U#08-005

**INVOLVED**

**OFFICER #1:** “Officer A” (Chicago Police Officer); Male/White; 46 years old; On Duty; In Plainclothes; Year of Appointment – 1998

**OFFICER’S**

**INJURIES:** None Reported

**SUBJECT:** “Subject 1”; Male/White; 9 years old

**SUBJECT:** Possible Gunshot wound to right arm. Treated at Ingalls Hospital.

**DATE/TIME:** 14 February 2008 / 2147 Hours

**LOCATION:** 14600 Block of South California  
Posen, IL 60469  
Beat 3100

**SUMMARY OF INCIDENT:**

On 14 February 2008, at approximately 2147 hours, the Chicago Police Department’s Area Two Gun Team executed a search warrant at a residence on the 14600 Block of South California, in Posen IL. The officers announced their office and forcibly entered the residence. The officers were attacked by two Rottweiler dogs. Officer A discharged his shotgun at one of the dogs and Officer B discharged his handgun at the other dog. Officer A followed the dog into an interior hallway. The dog continued to be aggressive and Officer A discharged his shotgun a second time. The target of the search warrant, Witness 1, was in an adjacent bedroom with his wife, Witness 2, and their son, Subject 1. Witness 1 and his family were removed from the bedroom. Officer B saw a wound to Subject 1’s right arm and Subject 1 told him that the Rottweiler bit or scratched him on his arm. Subject 1 was transported by ambulance to Ingalls Hospital where he

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1014189

U #08-005

was treated for two puncture wounds to his right arm.

**INVESTIGATION:**

In a statement to IPRA on 15 February 2008, the, Witness 1 stated he and his family went to sleep in the same bedroom at approximately 2030 hours. At approximately 2230 hours Witness 1 heard a “boom” that he believed was the front door being “kicked in.” Witness 1 then heard a gunshot coming from the living room area of his residence. Witness 1 got out of bed and began walking toward the bedroom door when he saw his dog come into the room and lie down on the floor. A police officer with a flashlight entered the bedroom and told Witness 1 to put his hands up. The officer then fired his shotgun at Witness 1’s dog, which was on the floor next to his son. Subject 1 yelled, “I’m bleeding!” Witness 1 was taken into the living and his wife and son were taken into the kitchen. Witness 1 stated that he did not hear any other gunshots. (Att. 6)

In a statement to IPRA on 04 September 2008, Witness 2 stated that on the night of the incident she was asleep in her bedroom with her husband, Witness 1, and her son, Subject 1. Witness 2 stated that she was awakened by the sound of the front door being “plowed in.” Witness 2 stated that one of her two dogs ran out of the bedroom barking. Witness 2 heard a gunshot and then heard her dog whimper and fall to the floor. Witness 2 saw flashlights in the living room and she and Witness 1 got out of bed. Witness 2 heard people in the living room yelling, “Chicago Police!” Witness 2 stated that her other dog, a 120lb. Rottweiler, was lying on top of her son, who was asleep on the floor. A male police officer holding a shotgun entered the bedroom and fired one shot at the

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1014189

U #08-005

Rottweiler. Witness 2 pulled her son out from under the Rottweiler and saw that he had blood on him. Officers took Witness 1 into the living room while other officers took Witness 2 and her son into the kitchen. Witness 2 told the officers that her son was bleeding and the officers said that the Rottweiler must have bitten him. The officers called for an ambulance. Witness 2 stated that her son sustained two “holes” near his right elbow and an abrasion on the right side of his stomach. Witness 2 also stated that later she found two shotgun pellets in her son’s blanket that matched the size of the “holes.” (Att. 21)

In a statement to IPRA on 04 September 2009, the victim, Subject 1, stated that on the night of the incident he was asleep in his parent’s bedroom when the police entered his house. Subject 1 stated that his mother woke him and brought him into their kitchen. Subject 1 stated that he was asleep during the shooting, and did not hear any gunshots. Subject 1 stated that an ambulance took him to the hospital. Subject 1 stated that he sustained “two holes” on his right arm and a “cut” on his stomach. (Att. 23)

The Case, Arrest, and Tactical Response Reports provided accounts that were consistent with the Summary of Incident. The reports indicated that officers from the Area Two Gun Team executed a forced-entry search warrant at a residence on the 14600 Block of South California, in Posen IL. The officers knocked and announced their office, but did not receive a timely response. The officers forcefully entered the residence and were confronted by a large Rottweiler dog. The dog charged at the lead officer, Officer A, who discharged his shotgun, striking the dog. A second dog also charged at the

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1014189

U #08-005

officers and Officer B discharged his firearm at it. Officer A advanced into the hallway to clear the rest of the houses and the Rottweiler lunged at him aggressively, at which time Officer A fired an additional round at the attacking dog. All occupants of the house were then brought to the kitchen area. While they were in the kitchen it was observed Subject 1 was bleeding from his right arm and EMS was immediately requested. When asked how he sustained his injury, Subject 1 stated that the dog scratched and bit him. Subject 1 was transported by ambulance to Ingalls Hospital where he was treated for two linear puncture wounds on his right arm. A systematic search of the residence revealed approximately \$2,228 in narcotics (cannabis). (Att's 10-13, 31, 33)

The Posen Police Department's Case Report stated that on 14 February 2008, at approximately 2145 hours, Posen Police Officer A was dispatched to the area of 145<sup>th</sup> Street and Harrison Ave. to meet with Chicago Police Department officers regarding a search warrant. Upon arrival, Posen Police Officer A spoke with Chicago Police Department Lt. A, whose unit was about to serve a search warrant on the 146<sup>th</sup> block of California Ave. and requested that Posen Police Officers assist. Posen Police Officers A, B, C and Posen Police Cpl. A followed the Chicago Police Officers to the residence on the 14600 Block of South California Ave. Posen Police Officers established a perimeter while the Chicago Police Officers entered the residence. Posen Police Officer A reported that he heard several loud reports from inside the residence. Chicago Police Department Lt. A requested that an ambulance respond to the location.

The report indicated that Chicago Police Department Lt. A related to Posen Police

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1014189

U #08-005

Officer A that two of his officers had fired at two aggressive dogs, a large brown Rottweiler and a medium-sized black and white dog. Chicago Police Department Lt. A added that Subject 1 may have been injured by one of the dogs.

The Posen Police Department's Supplemental Report stated that at 2200 hours, Posen Police Sergeant A was notified by Posen Police Cpl. A that Chicago Police Officers assigned to the Area Two Gun unit executed a search warrant at a residence on the 14600 Block of South California. During the execution of the warrant CPD Officers had been forced to shoot two threatening and aggressive dogs in the house. A nine-year-old male juvenile was in the home at the time of entry and was asleep on the bedroom floor located in the northwest corner of the first floor. He was transported by the Posen Fire Department to Ingalls memorial Hospital for treatment of either a dog bite or a bullet fragment injury to the area near his right elbow. The cause of the injury was unknown. (Att. 18)

The Office of Emergency Management PCAD Event Query stated that on 14 February 2008, at 2147 hours, the Area Two Gun Team executed a search warrant at a residence on the 14600 Block of South California. At 2217 hours it was reported that two shots were fired, and two dogs had been destroyed. (Att. 15)

The Illinois State Police ("ISP") Division of Forensic Services Crime Scene Report stated that ISP Crime Scene Investigator A was requested by the Posen Police Department to process an officer-involved shooting scene located at a residence on

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1014189

U #08-005

the 14600 Block of South California, Posen IL. Crime Scene Investigator A arrived at that location and met with Posen Police Detective A, who told Crime Scene Investigator A that a task force from the Chicago Police Department was executing a warrant at Witness 1 residence. When the officers entered the residence they encountered two dogs. The officers reported that the dogs came around a corner and toward Officers A and B. Officer A discharged two rounds from his assigned shotgun at one of the dogs and Officer B discharged two rounds from his .45 caliber pistol at the second dog. Both dogs were killed and were subsequently removed by Posen Public Works. Subject 1 sustained an unknown injury during the execution of the warrant. Paramedics were summoned and it could not be determined at the scene if the injury was from a projectile traveling through one of the dogs and striking Subject 1's hand, or if it was a dog bite. Subject 1 was subsequently transported to a hospital.

Supervisors from the Chicago Police Department and from the Posen Police Department arrived at the residence. CPD Sgt. A entered the residence and recovered two red plastic shotgun shells and two .45 caliber "Winchester" shell casings. CPD Sgt. A placed all four shells in an envelope. The scene was secured until Crime Scene Investigator A arrived. CPD Sgt. A gave the expended cartridges to Crime Scene Investigator A upon her arrival. Crime Scene Investigator A requested that Officers A and B return to the scene and turn their firearms over to her. Officers A and B returned and Crime Scene Investigator A inventoried their firearms and magazines.

When Crime Scene Investigator A processed the residence, she observed blood-

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1014189

U #08-005

like stains in a drag-like pattern on the carpet in the living-room. A larger pool of a blood-like stain was also observed in the middle of the living room floor. The furniture had been overturned and the entire house appeared to have been “ransacked.” Crime Scene Investigator A was informed that the residence had been searched in accordance with the warrant prior to her arrival. No expended cartridge casings were recovered in the living room.

Crime Scene Investigator A recovered a metal fragment with a blood-like stain on it from the floor just inside the doorway of the northwest bedroom. A large pool of a blood-like stain was also located just inside the doorway to this bedroom. Drag marks of the stain led in a pattern out the front door of the residence. The bedroom had been “completely ransacked” with papers and furniture on the floor. No other items of evidentiary value were located in the bedroom.

Crime Scene Investigator A examined the bathroom and the northeast bedroom. No expended cartridge casings, projectiles, or blood-like stains were observed.

Crime Scene Investigator A examined the kitchen and located a metal fragment on the floor near the southwest corner of the kitchen.

Crime Scene Investigator A subsequently inventoried two red plastic shotgun shells, and two .45 caliber expended cartridge casings that were recovered by CPD Sgt. A

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1014189

U #08-005

at the scene, Officer A's Remington 870 Auto Shotgun, and Officer B's .45 Caliber firearm with eight live rounds in the magazine and one live round in the firearm's chamber. Crime Scene Investigator A also inventoried a second magazine loaded with six live rounds from Officer B's duty belt. Crime Scene Investigator A also inventoried the metal fragments located from the floors in the northwest bedroom and the kitchen.

(Att. 39)

Medical records obtained from Ingalls Memorial Hospital stated nine year old Subject 1 arrived at the emergency room via ambulance. The paramedics informed hospital personnel that Witness 1 home was raided by the police and Subject 1 was possibly bitten by the family dog. Witness 2 informed hospital personnel that the family pets were shot by the police, and that Subject 1 had a gunshot wound to his right arm. Subject 1 told hospital personnel that the family pet fell on top of his arm. Subject 1 was diagnosed with multiple puncture wounds to his right arm and a superficial linear abrasion to the right abdominal wall. Subject 1 was treated and released. (Att. 19)

An Illinois State Police ("ISP") Division of Forensic Services Report stated that Officer A's shotgun and Officer B's pistol were examined and found to be in firing condition. The two recovered expended shotgun shells were examined and determined to have been fired from Officer A's shotgun. The two .45 caliber expended cartridge casings were examined and determined to have been fired from Officer B's pistol. The metal fragment, a bullet jacket recovered from the floor of the kitchen was examined and determined to have been fired from Officer B's firearm. The metal fragment found on the floor in the northwest bedroom was examined and determined to be either 00 or 000

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1014189

U #08-005

Buckshot Size. (Att. 40)

ISP Division of Forensic Services photographs depict the location of incident.  
(Att. 37, 38)

Officer A related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. (Att. 5)

In a statement to IPRA on 04 December 2008, Officer A, related that on the night of the incident he assisted in the execution of a search warrant on a residence in Posen, Illinois. Officer A was assigned to “shotgun duty,” which he explained meant that he was given a Department-issued shotgun and that he was the first officer to enter the residence in order to secure the premises. Officer A stated that when he first entered the residence he walked into the living room and a large Rottweiler and a smaller black dog immediately charged at him. Officer A feared for his safety and the safety of his fellow officers and discharged his shotgun once, striking the Rottweiler. Officer A walked to the opening for a hallway to secure the area, and saw a room to his left. The Rottweiler then charged at Officer A again, and Officer A discharged his firearm a second time at it. Officer A explained that he and the dog were in a hallway between the living room and a bedroom. After Officer A discharged his firearm a second time he entered the bedroom and saw Witness 1, Witness 2, and Subject 1. Officer A had them exit the bedroom. Officer A continued to secure the residence and at one point Subject 1 said that the dog bit him. Officer A stated that he did not see any injury to Subject 1. An ambulance

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1014189

U #08-005

subsequently transported Subject 1 to the hospital. (Att. 26)

Officer B related to the Roundtable Panel an account of the incident that was consistent with the Summary of Incident. (Att. 5)

In a statement to IPRA on 09 December 2008, Officer B stated that on the night of the incident was present during the execution of a search warrant at a residence on the 14600 Block of South California, in Posen Illinois. Officer B stated that officers breached then entrance of the residence and Officers A and Wallace entered the house. As Officer B was about to enter the residence, he heard a “shot from the shotgun.” Officer B entered the residence and inside the living room he saw a medium-sized dog approaching him in a very aggressive manner. Fearing for his safety, Officer B discharged his firearm twice at the dog. Officer B walked through the living room and approached a bedroom when he heard another “shot from the shotgun.” Officer B looked into the bedroom and saw Witness 1 and Witness 2. Officer B also saw Subject 1 and a large dog in the bedroom. Officer B then backed away from the bedroom did a cursory check of the rest of the residence. A short time later Officer B saw Subject 1 in the kitchen and saw some blood on his arm. Officer B stated that an ambulance had already been requested Officer B recalled that Subject 1 said that the dog bit him. (Att. 27)

Officer C related to the Roundtable Panel an account of the incident that was consistent with the Summary of Incident. (Att. 5)

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1014189

U #08-005

In a statement to IPRA on 10 December 2008, Officer C stated that he was present during the execution of a search warrant at a residence on the 14600 Block of South California, in Posen Illinois. Officer C explained that after the entrance to the residence was breached he and Officer A entered the residence. A large dog approached Officer A and Officer A shot the dog. Officer C stated that he was standing behind Officer A when Officer A shot the dog with a shotgun. Officer C then heard another gunshot behind him and when he turned around he heard a third gunshot and saw Officer B shoot a second dog. Officer C stated that he believed he proceeded out of the living and into the hallway that leads to bedrooms when Officer A shot the first dog a second time in a hallway. As the officers secured the house Officer C saw the Family being escorted out of a bedroom. Officer C stated that he saw that Subject 1 had what appeared to be a dog bite on his arm. Officer C explained that when the paramedics arrived at the house they said that Subject 1's wound appeared to be a dog bite. Officer C also said that Subject 1 stated that the dog bit him. Officer C stated that he never entered any of the bedrooms. (Att. 28)

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1014189

U #08-005

**CONCLUSION AND FINDING:**

This investigation found that Officer A's and Officer B's use of deadly force was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order 02-08-03, 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 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 involved the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm;
    - b. attempted 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."

The officers' actions met the requirements of the Department's deadly force policy. The involved officers provided separate and consistent accounts of the incident; Officers A and Officer B encountered two aggressive Rottweiler dogs during the execution of a search warrant. To prevent great bodily harm from the dogs, Officer A discharged his shotgun and Officer B discharged his pistol at them. Officer A followed the dog into an interior hallway and in that hallway, near the entrance to a bedroom, the dog charged at Officer A again. Officer A discharged his firearm a second time at the

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1014189

U #08-005

attacking dog. The accounts of Officers A and B are corroborated by Officer C and the related Chicago Police Department, Posen Police Department, and the Illinois State Police reports.

Witness 1 and his wife, Witness 2 provided inconsistent statements regarding this incident. Witness 1 stated that he heard a gunshot and then saw one of his two dogs, a one-hundred-and-twenty-pound Rottweiler, come into his bedroom and lie down on the floor. Officer A entered the bedroom and discharged his shotgun at the dog. Witness 2 stated that the Rottweiler was lying on top of her eleven-year old son, Subject 1, when Officer A discharged his shotgun at the dog. Subject 1 stated that he was asleep during the incident and never heard any gunshots. The related police reports stated that Subject 1 immediately said that the dog bit him. The medical records indicated that paramedics informed hospital personnel that a dog bit Subject 1's arm. Medical records indicated that Witness 2 stated that the her son's injuries were caused by a gunshot, and Subject 1 told hospital personnel that the dog fell on top of his arm. Subject 1 was diagnosed with multiple puncture wounds to his right arm and a superficial linear abrasion to the right abdominal wall. While the cause of Subject 1's injuries was undetermined, the officers discharged their firearms at the dogs to prevent great bodily harm to themselves and other officers.