

INDEPENDENT POLICE REVIEW AUTHORITY  
PUBLIC REPORT OF INVESTIGATION

**INVESTIGATION**

**NUMBER:** Log # 1016616; U#08-12

**OFFICER(S)  
INVOLVED:**

“Officer A” (Chicago Police Department Officer) —  
Male/Black; 36 years old; Off-duty; Year of Appointment  
— 1995

**OFFICER  
INJURIES:**

None reported

**SUBJECT(S)  
INVOLVED:**

“Subject 1” — Male/Black; 23 years old

**SUBJECT  
INJURIES:**

Gunshot wound to the right forearm

**INITIAL  
INCIDENT:**

Shots fired

**DATE/ TIME:**

16 May 2008, 2027 hours

**LOCATION:**

501 W 127<sup>th</sup> Street – Alley  
Beat 523

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**SUMMARY OF INCIDENT:**

On 16 May 2008, at approximately 2036 hours, off-duty Officer A was standing outside, talking with people he knew when he heard rapid gunfire in the area. Everyone on the street gathered the children and left the area. Officer A ran into an alley behind the location and heard what he believed to be gunfire. Officer A observed two black males, drew his weapon and announced his office. One of the black males, now known as Subject 1, was holding a weapon and then turned toward Officer A and fired. Officer A took cover and returned fire, striking Subject 1. Subject 1 fell on top of the second black male, the two then got to their feet and fled the area. Officer A called "911" from his mobile telephone, reported the incident, provided a full description of Subject 1 and requested assistance.

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Witness 1 related to the Roundtable panel that she was outside her residence talking with Officer A when she heard gunshots in the area. Witness 1 grabbed her son and went inside her residence. Once inside she heard additional shots. Witness 1 did not observe the shooting.

Attempts to contact Witness 1 by telephone and personal visits were conducted in an attempt to obtain a comprehensive interview, but all attempts were unsuccessful.

A Chicago Police Department Detective related to the Roundtable panel that he responded to Roseland Hospital and was informed by hospital staff that Subject 1 arrived at the hospital with a through and through gunshot wound to the right forearm. The detective spoke with Subject 1 who related that he was shot in "100's" (100-110<sup>th</sup> Streets in the area) and he did not know who shot him. After several questions, Subject 1 admitted to being shot on 127<sup>th</sup> Street. Subject 1 was treated and released to the custody of Chicago Police Detectives. Detectives transported Subject 1 to Area Two Detective Division for questioning.

Officer A related to the Roundtable panel an account consistent with the facts submitted in the Departmental reports.

The First Deputy's Report submitted by a Chicago Police Department Assistant Deputy Superintendent included an account of the incident that is consistent with the Summary of Incident.

The General Offense Case Report, Arrest Report and Tactical Response Report (TRR) and the Officer's Battery Report provided accounts of the incident that are consistent with the Summary of Incident. Detectives detained Subject 1 for questioning and placed him in a police line-up in an attempt to have Officer A positively identify the

**INVESTIGATION (Continued):**

black male involved in the incident. Officer A positively identified Subject 1 as the black male who fired a weapon at him.

The Supplementary Case Report includes an account of the incident that is consistent with the Summary of Incident. The report also includes information that when Detectives questioned Subject 1 at Roseland Hospital he stated that he was shot in the vicinity of 100<sup>th</sup> and 110<sup>th</sup> Street. Subject 1 also stated that he was alone when the incident occurred. Subject 1 stated that two friends (no names provided) transported him to Roseland Hospital. During the questioning Detectives asked Subject 1 if he was shot near 127<sup>th</sup> Street because he fit the description of an individual involved in an incident in the area. Subject 1 then related that he had been shot near 127<sup>th</sup> Street.

Subject 1 stated to Area Two Detectives that he and a friend (No Further Information, "NFI") had been drinking earlier during the day. The two went walking on a bike path in the vicinity of 127<sup>th</sup> Place. While walking, Subject 1's friend pulled out a handgun and began firing in the air. Subject 1 asked his friend to stop firing, but his friend did not. Subject 1 reached up, attempted to pull the handgun out of his friend's hand, and was subsequently shot in the forearm. Subject 1 ran north on the path and was taken to Roseland Hospital by a friend (NFI). Subject 1 told officers that his friend shot him on the path at approximately 8:27 pm (2027 hrs) in the vicinity of 127<sup>th</sup> Place.

Area Two Detectives conducted a search of the area in an attempt to locate Subject 1's weapon, with negative results.

An Assistant State's Attorney attempted to interview Subject 1, who invoked his right to legal counsel. The Assistant State's Attorney terminated the interview and informed Detectives that there would be no charges lodged until the results of the Gunshot Residue Test Kit were analyzed. Subject 1 was then released without charges.

**INVESTIGATION (Continued):**

An Arrest Report for Subject 1, dated 13 September 2008, indicates that he was arrested in relation to the 16 May 2008 police involved shooting. Officers assigned to Beat 5642 had knowledge of Subject 1 being a subject of an Investigative Alert with cause to arrest. Officers located Subject 1 at his residence, placed him into custody and transported him to Area Two for processing. It was further determined that Subject 1 had a non-serviceable warrant issued by the Rock Island County Illinois Sheriff's Office. The State's Attorney denied filing felony charges related to the shooting due to an inconsistent identification. CPD decided not to file misdemeanor charges.

A Canvass of the area conducted by IPRA investigators produced no additional witnesses or information.

Attempts by detectives and officers from the Gang Intelligence Unit to locate Subject 1's friend at his last known address were unsuccessful. The reporting investigator attempted to locate Subject 1's friend via a personal visit to his last known address, but was unsuccessful. Detectives from CPD also attempted to locate Subject 1's friend but were unsuccessful. Detectives then issued a Wanted Offender Investigative Alert for Subject 1's friend.

Personal visits by IPRA investigators to the hospital and last known address of Subject 1 were conducted in an effort to obtain an interview; these personal visits were unsuccessful.

Medical records obtained from Roseland Hospital reflect that on 16 May 2008, at 2055 hours, the hospital staff received a 23 YOA black male (Subject 1) who complained of a gunshot wound to the right forearm. Subject 1 informed the staff that 30 minutes prior to his arrival at the hospital someone shot him. Radiology reports reflect that Subject 1 presented with a gunshot wound to the right forearm. There appeared to be no

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fracture and no foreign bodies in the wound (through and through). Hospital staff notified the Chicago Police Department of Subject 1's presence in the Emergency Room.

The OEMC event query printouts of the incident indicated that on 16 May 2008 between 2027 and 2034 hours, several people in the area where this incident occurred contacted "911" and reported shots fired. At approximately 2036 hours Officer A contacted "911," provided his name, star number and reported "shots at and by the police." Officer A also provided a description of the offenders' clothing and race. Officer A described the first offender as a black male, approximately 5'7", 145lbs., dark skin, short hair, wearing a black T-shirt, hat, black pants, and carrying a handgun. The second offender was described as a black male, approximately 5'9", 150 lbs., medium complexion, wearing a white t-shirt, blue jeans, white baseball cap and white gym shoes. OEMC broadcast descriptions of the offenders as provided by Officer A.

Crime Scene Processing Reports reflect that two officers assigned to Beat 9603 recovered and inventoried Officer A's weapon. The officers photographed and taped the scene of the incident. A third officer administered a Gunshot Residue Test to the back of Subject 1's left and right hands. Photographs of Subject 1 participating in a line-up were taken.

Reports from the Illinois State Police Division of Forensic Services (ISP) reflect that the officer's weapon was found to be in good firing condition. The Gunshot Residue Test conducted on Subject 1 indicated that Subject 1 discharged a firearm, had contact with a PGSR (Primer Gunshot Residue) related item, or had his left hand in the environment of a discharged firearm.

In a formal statement taken at the Independent Police Review Authority, Officer A in essence related that which was reported at the Roundtable and in Department

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reports. Officer A related that he heard rapid gunshots in the area. He then ran into an alley behind the location, heard what he believed to be gunfire, and observed two unknown black males. Officer A drew his weapon and announced his office. Subject 1, who was holding a weapon, turned toward Officer A and fired. Officer A returned fire – striking Subject 1, whom after being struck got to his feet and he and the other unknown male fled the area. In addition, Officer A related that he did not know Subject 1 prior to the incident. Officer A related that during the incident he was able to obtain a good look at Subject 1’s face. Officer A added he was able to positively identify Subject 1 in a line-up based on his clothing, complexion, hair, height and his shoes.

**CONCLUSION AND FINDING:**

This investigation found that the use of Deadly Force by Officer A was in compliance with Department policy and Illinois State statutes. 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 involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm;
    - b. is attempting to escape by the 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."

Officer A while off-duty heard gunfire. Officer A ran toward the sound of gunfire and observed Subject 1 and a second unknown male firing a weapon. Officer A announced his office and drew his weapon. Subject 1 turned and fired at Officer A. Officer A reasonably believed "that deadly force was necessary to prevent



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**CONCLUSION AND FINDING (Continued):**

death or great bodily harm to the sworn member or to another person” when he discharged his weapon, striking Subject 1 in the right forearm.