

**INDEPENDENT POLICE REVIEW AUTHORITY
LOG #1017364/ U#08-16**

INVESTIGATION

NUMBER: Log# 1017364/U# 08-16

OFFICERS

INVOLVED: “Officer A” (Chicago Police Officer); Male/White; 30 years old;
On-Duty; In civilian dress; Year of Appointment – 2004

“Officer B” (Chicago Police Officer); Male/Hispanic; 35 years old;
On-Duty; In civilian dress; Year of Appointment – 2000

“Officer C” (Chicago Police Officer); Male/White; 44 years old;
On-Duty; In Uniform; Year of Appointment – 2002

OFFICERS

INJURIES: None reported

SUBJECT: “Subject 1”; Male/Black; 26 years old

SUBJECT’S

INJURIES: One gunshot wound. Fatal.

INITIAL

INCIDENT: Victim/Offender was observed carrying a weapon and began firing his weapon at the involved officers.

DATE/ TIME/

LOCATION: 14 JUN 08, 0241, 21 W. 59th Street
BEAT #0233

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SUMMARY OF INCIDENT:

On 14 June 2008, at approximately 0241 hours, the involved officer responded to several calls of shots fired and men with guns in the vicinity of 59th and State Street. During this time, Officer A, Beat #268C, and Officer B, Beat #268C, were driving west in the south alley of 59th Street from Lafayette, when they observed a male/black, now known as Subject 1, walking in the alley holding a gun in his right hand.

The officers exited their vehicle, approached Subject 1, identified themselves and ordered Subject 1 to drop his weapon. Subject 1 looked in the direction of the officers and pointed his weapon at the officers. Both officers then fired at Subject 1, who turned and ran east. Subject 1 turned, again pointing his weapon at the officers, and Officer A fired once at him. Subject 1 ran out of the alley onto State Street where the 002nd District wagon (Beat #271)¹ was coming southbound. Subject 1 then pointed his weapon at the wagon officers. Officer D, upon being fired at, lost control of the vehicle, which then struck the light pole at approximately 5914 S. State.

Subject 1 continued to run east across State Street at which time he (Subject 1) slipped and fell to the ground on the east side of State Street. The officers approached, announced their office and Subject 1 then again pointed his weapon at the officers as he rose and continued fleeing. Subject 1 reached the alley and fled northbound with the officers still in pursuit. Subject 1 then stopped in the alley and raised his weapon at the officers. Subject 1 again fired, as the officers turned east on 59th Street. Officer C, Beat #232, joined the chase as Subject 1 turned north on Wabash. Officer C called for Subject 1 to stop, Subject 1 raised his weapon, and pointed it at the officer. Officer C fired one shot, striking Subject 1 who fell to the ground, still holding his weapon.

¹ Officer D and Officer E were assigned to Beat #271

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Officer B related to the Roundtable panel that he and his partner, Officer A, received a call of shots fired. He and his partner were driving in the vicinity 21 W. 59th Street when they observed an unknown black male (now known to be Subject 1) in the alley carrying a gun. As they approached Subject 1, they observed him scratching his head with his gun. Officer B and Officer A announced their office and Subject 1 yelled “Oh Shit” and turned toward the officers and pointed his gun at them. At this time, Officer B and Officer A fired several shots at Subject 1.

Subject 1 took off running eastbound through the alley and Officer B and Officer A pursued him on foot. As they pursued Subject 1 they observed him fall in the alley. Officer B and Officer A prepared to handcuff Subject 1 in that they lowered their weapons as they ran towards him. Subject 1 got up from the ground and pointed his weapon at the officers again. Officer B fired his weapon several more times at Subject 1. Subject 1 continued running and Officer A pursued him. Officer B stated that he did not see anything else that occurred.

Officer A related to the Roundtable panel that he and his partner, Officer B, received a call of shots fired. The officers were driving in the vicinity of 59th and Lafayette Street when they observed Subject 1 in the alley with a gun. Officer A observed Subject 1 scratching his head with the gun.

Officer A and Officer B approached Subject 1 and told him to drop his weapon. Subject 1 yelled “Oh shit” and pointed his weapon at the officers. Officer A fired one round at Subject 1 and then got on the radio and said “shots fired.” Subject 1 began running eastbound through the alley. As Subject 1 was running through the alley, he attempted to turn toward the officers and he fell to the ground. Subject 1 got up from the ground and pointed his gun toward the officers. Officer A fired five more rounds at Subject 1 who continued running. Officer A continued chasing Subject 1, but did not fire another shot, because he saw assist officers driving into the area. Officer A observed a squad car attempt to cut off Subject 1. Officer A heard one gunshot and then observed Subject 1 fall to the ground.

Officer D related to the Roundtable panel that at the time of the incident he was driving a squadrol and responded to 59th and State Street in search of Subject 1. Officer D was driving slowly in the area when he observed Subject 1 emerge from the alley at 5910 S. State Street under the L tracks. Officer D observed a gun in Subject 1’s right hand and then he observed Subject 1 raise his arm at him and his partner, Officer E, and then heard several gunshots. Officer D told his partner to duck down, during which time Officer D ran into a light pole. After he (Officer D) ran into the light pole he did not observe Subject 1’s direction of flight.

Officer F related to the Roundtable panel that at the time of the incident he and his partner, Officer C, heard a call over the radio of a person with a gun. Officer F and

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Officer C were driving slowly westbound in the vicinity of 58th and Wabash. Officer F heard several gunshots in the area and then observed Subject 1 running toward them with a gun in his hand. Officer F (driver of the squad car) swerved the vehicle on the curb, just west of Wabash on 59th Street, in an attempt to cut off Subject 1's path. Officer C then opened the passenger side door to cut off Subject 1's path, but Subject 1 ran around the door and Officer C began chasing Subject 1. Officer F attempted to pursue Subject 1, but he was unable to unbuckle his seatbelt. Officer F then heard one gunshot and subsequently observed Subject 1 fall to the ground.

CPD Lieutenant A related to the Roundtable panel that at the time of the incident he was in the vicinity of 5900 S. Michigan when he heard a call over radio about a man with a gun. At this time, he observed Subject 1 with a gun running on 59th Street towards Wabash. CPD Lieutenant A observed a squad car jump the curb to stop Subject 1. He then observed the passenger of the squad car open the door and chase Subject 1. CPD Lieutenant A heard gunshots and then observed Subject 1 on the ground.

Officer C related to the Roundtable panel that he and his partner, Officer F, were in the vicinity of 59th and Wabash when they heard shots fired. During which time, they observed Subject 1 with a gun running towards them on 59th Street. Officer F pulled onto the curb to cut off Subject 1 and Officer C attempted to hit Subject 1 with the car door. Officer C exited the squad car and gave chase. Officer C observed that Subject 1 had a gun in his right hand. Officer C ordered Subject 1 to drop his weapon several times, but he did not comply. As Subject 1 was running, he pointed his gun back towards Officer C, at which time Officer C fired his weapon one time and observed the male/black fall near a fence. Officer C stated that he was 25 to 30 feet away from the male/black when he fired his weapon. Officer C related that he fired his weapon, because he was in fear of his life.

CPD Detective 1 related to the Roundtable panel that Subject 1 had one gunshot wound to his right upper back, near his spine. The bullet was lodged in Subject 1's body. The doctor pronounced Subject 1 at 0337 hours, at Northwestern Hospital.

Attempts were made to contact the witnesses from vice case report. Witness 3 and Witness 4 indicated that they heard gunshots, but did not witness the incident. Witness 5 related that she did not witness the incident. Attempts to contact Witness 1, Witness 6, and Witness 2 were met with negative results.

The Tactical Response Report completed by Officer C indicated that Subject 1 "did not follow verbal direction," "fled," "imminent threat of battery," "uses force likely to cause death or great bodily harm," and "pointed gun at officer." Officer C responded with "member presence," "verbal presence," "firearm," and "fired at offender." The TRR indicates that Officer C fired his weapon one time from over fifteen feet.

The Tactical Response Report completed by Officer A indicated that Subject 1 "did not follow verbal direction," "fled," "imminent threat of battery," "uses force likely to cause death or great bodily harm," and "pointed gun at officer." Officer A responded with "member presence," "verbal presence," "firearm," and "fired at offender."

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The Tactical Response Report completed by Officer B indicated that Subject 1 “did not follow verbal direction,” “fled,” “imminent threat of battery,” “uses force likely to cause death or great bodily harm,” and “pointed gun at officer.” Officer B responded with “member presence,” “verbal presence,” “firearm,” and “fired at offender.”

The evidence technician and Medical Examiner’s Office photographs depict pictures of the scene, the recovered evidence, Subject 1’s body, and Subject 1’s weapon.

The Illinois Traffic Crash Report indicated that Officer D drove in the pathway of Subject 1 who was shooting at the time. Officer D swerved away from Subject 1 to avoid being hit by the shots and struck the light pole. Officer D and his partner, Officer E, were transported to the University of Chicago Hospital. Officer D suffered an injury to his left shoulder and Officer E suffered an injury to his left knee.

A Postmortem Examination was performed on Subject 1 on 14 June 2008 by Doctor A. The examination revealed a single penetrating gunshot wound to the back. The entrance wound is located over the upper back slightly to the right of midline. No sooting or stippling is noted on the skin about the wound. An exit wound is not identified. A semi-jacketed hollow point deformed medium-caliber projectile was recovered from the upper anterior mediastinum. The direction of the gunshot wound is back to front, upward and slightly right to left. The bullet severely fractures the sixth thoracic vertebrae and although the spinal cord is not removed at that level, it appears to have damaged the spinal cord at that level. There were abrasions over the left side of the face just above the left eyebrow, the left malar prominence, the left side of the cheek which has a slightly patterned inverted U shape, the left nostril, the upper lip, the left lower cheek just lateral to the mouth and the chin.

There also were abrasions to the right side of the face which extends from the right eyebrow to slightly below the right side of the mouth and to the right ear. There was a superficial laceration also noted in the helix of the right ear and layered abrasions noted over the right upper anterior chest. The report also indicates that Subject 1 had abrasions to the lower abdomen and a small abrasion of the left hip. The cause of death is gunshot wound of the back.

A Case Supplementary Report indicates that detectives were assigned to investigate an incident of shots at and by the police and proceed immediately to the scene at 5848 S. Wabash. The detectives were met by CPD Captain of the 2nd District and learned that the person shot was the armed offender who committed an aggravated assault on 2nd District Police Officers during the extended foot chase. The Case Supplementary Report includes interviews of Officer F, Officer B, Officer C, Officer A and CPD Lieutenant A that are consistent with their roundtable accounts.

In addition, Witness 1, heard about ten shots and saw an unknown male/black run around the corner and fall to the ground in front of a church. Another witness, Witness 2, heard eight or nine shots. Then she saw a male/black run around the corner and fall to

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the ground. Witness 3, was awakened by gunshots but did not see anything. Witness 4 heard someone yelling “put your hands up” then heard some shots, but saw nothing. Witness 5 was awakened by gunshots, but saw nothing. Witness 6 heard numerous shots, but saw nothing. Assisting units at the crime scene were able to locate two 9mm shell casings in the rear of 21 W. 59th Street; the fully loaded magazine from Subject 1’s pistol on the sidewalk at 5910 S. State; two shell casings at the curb at 5911 S. State; five 9mm casings in the rear alley at 5907 – 09 S. State and Subject 1’s pistol at 5848 S. Wabash. Additionally, R/D’s observed an apparent bullet strike on the passenger door of the wagon.

The OEMC event queries and CD recordings indicated that at 01:21:10, a female called 911 and reported two African American males fighting in the vicinity of 5759 S. Michigan. The female also reported that there was a small group of people surrounding the two African Americans. Officers were dispatched to the location at 01:24. Beat 224 reported that he had information of people shooting at each other in the vicinity of 60th and Michigan. Beat 268 reported that the male wanted in possible connection with the shots fired had broken into the back of someone’s house and had probably fled eastbound after exiting the front of the house at 6058 S. Michigan.

Report from the Illinois State Police (ISP), Division of Forensic Services, indicates that Officer A’s weapon, a Sig Sauer, model P229, 9mm Luger caliber semi-automatic pistol, serial #AAU00253, was found examined, found to be in firing condition, and test fired. Officer B’s weapon, a Sig Sauer, model P229, 9 mm Luger caliber semi-automatic pistol, serial #B298453, found to be in firing condition, and test fired. Officer C’s weapon, Beretta, model 92D, 9mm Luger caliber semi-automatic pistol, serial #BER163509Z, was found to be in firing condition, and test fired.

The reports further indicated that swabs from the slide, grip and trigger from Subject 1’s weapon, a Beretta 9mm gun, serial #BER 162266, were examined. A human male DNA profile was identified, which matches the DNA profile of Subject 1. Latent prints were taken from the magazine of Subject 1’s weapon. Examination did not reveal latent impressions suitable for comparison. Latent prints were taken from Subject 1’s weapon. Comparison of the suitable latent impression to the copy of the fingerprint card marked Subject 1 did not reveal identification.

The POD Video depicts Subject 1 running from the officers, but it does not show footage of the shooting.

In a statement to IPRA on 29 June 2009, the involved member, Officer D, stated that he and his partner, Officer E, responded to the location for a person with a gun. Upon arrival to the area, Officer D, who was driving a squadrol police vehicle, observed Subject 1 standing in an alley pointing a gun directly at him and his partner. Officer D informed Officer E to duck, at which time Officer D ducked down and tried to drive off. As Officer D attempted to drive off, he ran into a light pole. Officer D indicated that he heard several shots being fired in the area and he believed that Subject 1 fired his weapon at them. Officer D indicated that he injured his shoulder and Officer E

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injured his knee. Officer E called for an EMS and, once the EMS arrived on the scene, he and Officer E were taken to the hospital.

In a statement to IPRA on 18 June 2009, the involved member, Officer E, related that he and his partner, Officer D responded to a call of a man with a gun. Officer E indicated that he did not initially observe Subject 1 when they arrived on the scene, but Officer D stated to him that he (Subject 1) had a gun. Officer E glanced over toward the direction of Subject 1 and observed him running toward them with the gun pointed at them. Officer E also observed two male tactical officers chasing the man. Officer E then heard two or three gun shots, at which time Officer E and his partner ducked down in the vehicle and then ran into a light pole. Officer E heard several gunshots after they ran into the light pole. Officer E then called for an EMS. Once EMS arrived on the scene, he and Officer D were taken to the hospital.

In a statement to IPRA on 17 June 2009, the involved member, Officer F, stated that he and his partner, Officer C responded to a call of shots fired from the tactical teams in the area (5848 S. Wabash) and they could hear gunshots over the radio and around the area. Officer F indicated that when they got to the location they observed Subject 1 running in their direction with a gun in his hand. Officer F related that he was driving during this time and he put the car on the curb in an attempt to stop Subject 1. Subject 1 jumped over the vehicle and continued running. Officer C then exited the vehicle and began pursuing Subject 1. Subject 1 and Officer C continued northbound on Wabash. Officer F remained inside the vehicle and unlatched his seatbelt.

Once Officer F unlatched his seatbelt, he heard one gunshot. According to Officer F, he did not know who had fired their weapon at this point. Officer F went to Wabash and observed Officer C kicking the gun away from Subject 1's hand; he observed Officer C attempt to pick up Subject 1, but Subject 1 was unresponsive.

In a statement to IPRA on 14 June 2009, the involved member, Officer B related that he and his partner, Officer A, were patrolling when they received a call of shots fired and gang disturbance. According to Officer B, they first encountered Subject 1 walking eastbound in an alley on 59th and Lafayette. Officer B indicated that Subject 1 had a gun in his hand. Officer B described the gun as being pointed in a downward direction, Subject 1 then brought the gun up to his head and it appeared as if he scratched his head with the gun, but then brought the gun back down to his side. Officer A radio in that they found a man with a gun.

They exited the vehicle, approached Subject 1 and announced their office. Officer B and Officer A gave verbal commands to Subject 1 to drop his weapon and not to move. Subject 1 ignored the officers' commands and continued walking. During this time, Subject 1 turned around and pointed his weapon at Officer B and Officer A. Officer B related that, at this point, he and Officer A fired their weapons at Subject 1.

Subject 1 then began running away from the officers and subsequently turned around and pointed his weapon at the officers again. Officer B continued firing his

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weapon at Subject 1 and ordered him to drop his weapon. Officer B indicated that he and Officer A pursued Subject 1, during which time Subject 1 slipped on a graveled area and, when he got up, he pointed his weapon at them again. Officer B and Officer A fired their weapons at Subject 1 again, so Officer B indicated that this was the last time he had fired his weapon, because Officer A was in front of him and he did not want to risk hitting him. Officer B continued following Officer A who was still chasing Subject 1. Officer B related that the last thing he saw was Subject 1 pointing his weapon at Officer A. Officer B related that he lost sight of Officer A and Subject 1 when they turned the corner on 59th Street. Officer B did not witness anything else that occurred, but he did hear several other gunshots. Officer B stated that the next time he saw Subject 1, he was lying on the ground.

In a statement to IPRA on 12 June 2009, the involved member, Officer A related that he was working with Officer B when they responded to the area for a shots fired call. Officer A stated that they were driving southbound on Lafayette Street when they observed Subject 1 walking eastbound in the alley south of 59th Street. Officer A that Subject 1 had a gun in his right hand, in a downward position. Officer A and Officer B drew their weapons, announced their office and ordered Subject 1 to drop his weapon. Subject 1 then turned toward them with his gun pointed in their direction. At this point, Officer A and Officer B fired their weapons at Subject 1. Subject 1 began running eastbound down the alley and underneath the L tracks near State Street.

The officers then pursued Subject 1 on foot. Officer A and Officer B ordered Subject 1 to drop his weapon, at which point he turned around and pointed his gun in their direction. The officers fired their weapons at Subject 1 again and he continued running. Officer A continued chasing Subject 1, and Officer B stayed back and called for assistance on the radio. Officer A told Subject 1 to drop his gun again, but Subject 1 pointed his weapon at Officer A, so he (Officer A) fired another round at Subject 1. Subject 1 continued running eastbound and then turned northbound into an alley toward 59th Street, behind a covered fence. Officer A indicated that he could not see Subject 1 behind the fence. When Officer A went around the fence, he observed Subject 1 standing with his body squared up and holding his weapon with two hands in his direction. Officer A related that he observed Subject 1 pulling the trigger to his weapon and Officer A fired his weapon at Subject 1, but they both missed each other.

Subject 1 continued running northbound across 59th Street. Officer A then observed a marked squad car approach the area. The officers inside the squad car exited it and told Subject 1 to drop his weapon. Subject 1 ran around the squad car eastbound on 59th Street and then turned on Wabash and ran northbound on Wabash. Officer A then observed Subject 1 point his weapon at one of the officers and the officer fired his weapon once at Subject 1 and Subject 1 fell to the ground. Officer A indicated that none of the bullets he fired at Subject 1 struck him.

In a statement to IPRA on 13 May 2009, the involved member, Officer C related that he was working in full uniform with Officer F when they received a call of shots fired in the vicinity 59th and Wabash. Officer C indicated that as they got closer to

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the location, they heard a call for help over the radio. They were given the route of flight, which was southbound of 59th Street. Officer F was driving the vehicle and when he saw Subject 1 he was running toward them with a gun in his hand. Officer F attempted to drive the vehicle closer to Subject 1. Officer C then exited the vehicle and told Subject 1 to drop his weapon. Subject 1 refused and continued running.

According to Officer C, Subject 1 ran northbound on Wabash in the vicinity of 59th Street. Officer C pursued Subject 1 and then drew his weapon as Subject 1 was turning northbound on Wabash. Officer C ordered Subject 1 to drop his weapon. At this time, Subject 1 pointed the muzzle of the weapon in his direction, but the gun never fired. Officer C described Subject 1's actions as reaching back with the weapon in his right hand. Officer C fired his weapon at Subject 1 from about fifteen yards away. Subject 1's arm then went into the air and he immediately fell to the ground face first. Officer C approached Subject 1 with his weapon pointed at him; he observed that Subject 1's body was motionless so he holstered his weapon. Officer C then kicked the gun away from Subject 1's body.

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CONCLUSION AND FINDING:

This investigation found that the use of deadly force was **JUSTIFIED** and in compliance with Chicago Police 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 involved the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm;
 - b. has attempted to escape by use of a deadly weapon or;
 - c. otherwise indicated that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

Officer C's actions were in accordance with CPD's policy. Officer C and his partner were responding to a call of shots fired in the area. When they got to the area they observed Subject 1 running toward them with a gun in his hand. Officer F was driving the squad during the time of the incident and he attempted to cut off Subject 1's path with the vehicle, but Subject 1 jumped over the vehicle and continued running. Officer C then exited the vehicle and pursued Subject 1. As Officer C pursued Subject 1, he turned toward Officer C with the gun in his hand. Subject 1's actions caused Officer C to be in fear of his life and that of the other officers on the scene, which resulted in Officer C firing his weapon at Subject 1 to prevent death or great bodily harm.