

INDEPENDENT POLICE REVIEW AUTHORITY

Log# 1017792/ U# 08-23

INVESTIGATION

NUMBER: Log# 1017792/ U# 08-23, Officer-Involved Shooting

OFFICER

INVOLVED: “Officer A” (Chicago Police Officer); Male/Black; 36 years old; Off-Duty; In civilian dress; Year of Appointment – 2003

OFFICER’S

INJURIES: Non-fatal. One gunshot wound to the left hand; One gunshot wound to the left thigh.

SUBJECT: “Subject 1”; Male/Black; 22 years old

SUBJECT’S

INJURIES: Non-fatal. One gunshot wound to the buttocks.

INITIAL

INCIDENT: Attempted Robbery

DATE/TIME: 27 June 2008, at 0321 hours

LOCATION: 8100 block of South Evans – outside
Beat 631

SUMMARY OF INCIDENT:

On 27 June 2008, at approximately 0321 hours, Officer A was returning home and had just parked his vehicle on the 8100 block of South Langley. As he walked toward his residence on the 8100 block of South Evans, an unknown armed subject approached him from the rear and announced a robbery. The subject then fired twice, striking Officer A. Officer A fell to the ground and returned fire as the subject continued to shoot at him. The subject fled southbound on Evans, then westbound on 82nd Street. Officer A then proceeded to his residence and called 911. Officer A sustained a gunshot wound to his left hand and left thigh. He was transported to Stroger Hospital by a CFD Ambulance.

INVESTIGATION:

In his **Synoptic Report dated 27 June 2008, Acting Assistant Deputy Superintendent (AADS) A** related that Operations Command notified him that there was a police officer shot on the 8100 block of South Evans, and that the officer was transported to Stroger Hospital. AADS A proceeded to Stroger Hospital and was notified that off-duty Police Officer A was shot during a robbery attempt. AADS O'Donnell then interviewed Officer A, who related that he was returning home and walking toward his residence from his car when an unknown armed subject announced a robbery. The subject immediately fired twice, striking Officer A. Officer A fell to the ground and returned fire as the subject continued to shoot at him. The subject then fled southbound on Evans and westbound on 82nd Street. Officer A then called 911.

AADS A's report further indicates that Officer A's weapon was processed and would be inventoried by the Crime Lab. Seventeen fired cartridges were recovered at the scene, and two sweatshirts and one "Dew Rag" was recovered at 723 E. 82nd Street. (Att. 12)

Subject 1 declined to provide a **statement to IPRA**. (Att. 20)

The **Arrest Report** indicates that Subject 1 was arrested and charged with Attempted Murder and Attempted Armed Robbery; Subject 1 also had an outstanding warrant. It is reported that Subject 1 was identified as the person who announced a robbery and shot Officer A. The arresting officers received information from citizens on the street that Subject 1 was the subject. The arresting officers observed Subject 1 in the immediate vicinity of the crime, matching the description of the subject. (Att. 7)

The **General Offense Case Report** indicates that the reporting officers responded to a "shots fired" call involving an off-duty officer. The responding officers were met by Officer A, who stated that he was walking toward his residence when a subject pointed a semi-automatic handgun at him and attempted to rob him. The subject then fired at Officer A, striking him in the left hand. Officer A dropped to the ground, retrieved his weapon, and returned fire. The subject fired several more rounds at Officer A, striking him in the upper left leg. The subject then fled westbound on 82nd Street.

A sweater with a Dew Rag in the pocket, believed to be the subject's, was recovered at 721 E. 82nd Street in the path of the subject's flight. (Att. 8)

In his **Tactical Response Report dated 27 June 2008, Officer A** indicated that he discharged his firearm fourteen times in response to an unknown subject who used deadly force against him. (Att. 10)

The **Officer's Battery Report** indicates that Officer A was shot and sustained non-fatal, major injury. (Att. 11)

The **CFD Ambulance Report** indicates that Officer A was shot during an attempted robbery. He sustained one through-and-through gunshot wound to his left hand, and one gunshot wound to his upper left thigh with no visible exit wound. (Att. 13)

The **Evidence Technician photographs** depict Subject 1, Officer A, and the scene of the shooting from various angles. (Att. 17-19)

The **Event Queries from the Office of Emergency Management and Communication** indicate that Officer A immediately notified OEMC of his weapon discharge. (Att. 33)

A **canvass** of the vicinity of the incident produced no additional information. (Att. 25)

Medical records from Christ Hospital indicate that **Subject 1** sustained a graze wound to his right buttocks. (Att. 61)

Medical records from Stroger Hospital indicate that **Subject 1** underwent a surgical procedure on 18 December 2008 for left leg, soft tissue debridement due to a gunshot wound. (Att. 36)

Medical records from Stroger Hospital indicate that **Officer A** was treated for a through-and-through gunshot wound to his left hand, and superficial wounds to both thighs and his scrotum sustained during an attempted robbery. (Att. 60)

In a **statement to IPRA on 22 January 2009, Officer A** stated that he was walking home with a bag of food in his hand when he heard footsteps behind him. He turned sideways and observed the subject, now known as Subject 1, point a handgun in his direction. Subject 1 told Officer A to "give up his shit." Officer A raised his left hand and said, "I'm Chicago Police." Subject 1 then fired two shots in Officer A's direction, striking him in his left hand. Officer A stated that he fell to the ground and, in fear for his life, pulled his duty weapon from its holster and returned fire. As Officer A lay on the ground, Subject 1 continued to fire at him. Officer A repeatedly yelled, "I'm the police!" Officer A continued to fire his weapon at which point Subject 1 turned and ran southbound. Officer A stated that he fired his weapon fourteen times. (Att. 32)

The **Case Supplementary Report** indicates that during the course of the investigation into the Attempted Armed Robbery, Detective M and Detective O spoke to Witness 1, a security officer at a neighborhood store. Witness 1 informed the detectives that he had heard that a male who goes by the name “[Nickname]” had either done something wrong or killed somebody because he had changed his clothes. Upon receiving that information, the detectives toured the neighborhood and observed a male fitting the description of “[Nickname]” sitting with a female, Witness 2, in front of a residence on the 7900 block of South Evans. The subject, Subject 1, also matched the description that Officer A gave. Subject 1 was detained, and Witness 2 volunteered to go to the Area 2 office to assist in the investigation.

Subject 1 gave three different accounts of his whereabouts during the time of the incident. Initially, Subject 1 stated that he was hanging out with Witness 2 on 79th & Evans until approximately 0400 hours, and then he went to his mother’s house. In the second account, Subject 1 stated that he and “his cousin” walked “[Unnamed]” home to 82nd & Maryland. Subject 1 stated that he next walked his cousin home to 82nd & Ingleside. Subject 1 stated that he then walked to his mother’s house but was kicked out. In the final account, Subject 1 stated that he and Witness 2 were walking southbound on Evans from 81st Street when a lone black male passed them on foot. Subject 1 stated that a red vehicle pulled up, and a black male exited the vehicle and pulled a handgun. Subject 1 stated that he then pulled out his gun and fired in the air. Subject 1 stated that he then ran while the other two males exchanged gunfire. Subject 1 stated that he was struck by a stray bullet in the buttocks. Subject 1 showed the injury to Detective M and Detective O. Subject 1 stated that when he went to change his clothes, he duct taped the wound and poured alcohol on it.

Witness 2 told the detectives that she was in bed when Subject 1 came to her house and told her to get him a cigarette. Subject 1 then changed into a pair of pants that he had at her house, and the two of them walked toward Subject 1’s mother’s house. While walking, Witness 2 observed Subject 1’s leg bleeding. Subject 1 told Witness 2 that he got into it with someone. When Subject 1 got to his mother’s house, he changed clothes again. Witness 2 stated that they then walked back to her house and sat on some stairs. While they were sitting on the stairs, Subject 1 was arrested by the police.

The supplementary report also indicates that the detectives spoke with Subject 1’s mother, Parent A, who stated that she had not seen her son late that evening, and that he does not live with her.

After the initial interview of Subject 1, the detectives conducted a line-up. Officer A positively identified Subject 1 as the person who pulled a handgun and shot him multiple times during a robbery attempt.

The report also states that personnel from the Chicago Police Department’s Forensic Services Section obtained a gunshot residue sample from Subject 1.

Finally, the supplementary report indicates that Subject 1 was transported to Christ Hospital for treatment of his gunshot wound. (Att. 52)

An **Illinois State Police Laboratory Report** indicates that Officer A's weapon, a Smith and Wesson Bodyguard Chief Special Model 5943 (14 + 1 capacity), was examined, found to be in firing condition and test fired. The report concluded that fourteen fired cartridge cases, one fired bullet, and two fired bullet fragments recovered from the scene were fired from Officer A's weapon. The report further indicates that three fired cartridge cases recovered were from the same weapon; however, these three could not be identified or eliminated as having been fired from Officer A's firearm. One recovered fired bullet and two recovered bullet fragments were not fired from Officer A's weapon. (Att. 57)

An **Illinois State Police Laboratory Report** indicates that a GSR Kit recovered from Subject 1 indicates that he may not have discharged a handgun with either hand. If he did, the particles were removed by activity, were not deposited, or were not detected by procedure. (Att. 55)

An **Illinois State Police Laboratory Report** indicates that the shell casings recovered from the scene were examined and revealed no latent prints suitable for comparison. (Att. 58)

CONCLUSION AND FINDING:

This investigation found that Officer A's use of deadly force was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order 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, or;
 - b. is attempting to escape by use of a deadly weapon, or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

Officer A's actions were in accordance with the conditions of CPD's deadly force policy. Subject 1 approached Officer A with a handgun and announced a robbery. When Officer A announced that he was a police officer, Subject 1 fired upon Officer A, striking him twice. This placed Officer A in imminent fear of great bodily harm or death from Subject 1. Officer A then returned fire, striking Subject 1.