

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1019180 / U #08-29

**INVESTIGATION**

**NUMBER:** LOG #1019180 / U #08-29

**OFFICER**

**INVOLVED:** “Officer A” (Chicago Police Officer); Male/White; 32 years old;  
On Duty; In Uniform; Year of Appointment – 1998

**OFFICER’S**

**INJURIES:** None Reported

**VICTIM /**

**OFFENDER:** “Subject 1”; Male/ Black; 18 years old

**VICTIM /**

**OFFENDER’S**

**INJURIES:** Multiple gunshot wounds. Pronounced dead at Mount Sinai  
Hospital.

**DATE / TIME:** 17 August 2008, 2215 hours

**LOCATION:** 4900 W. 45<sup>th</sup> Street – street  
Beat 814

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**SUMMARY OF INCIDENT:**

On 17 August 2008, at approximately 2215 hours, at the location of 47XX S. Knox, several police units responded to a call of a Burglary in Progress. The officers were given a description of the offenders as being three black male subjects: one wearing a red shirt, one wearing a blue shirt, and one wearing a white shirt. Several units toured the area looking for the offenders. At 4500 S. Cicero, Officer C and Officer D and Officer A and Officer B observed three individuals matching the description riding bicycles across Cicero Avenue. The officers chased one of the subjects, now known to be Subject 1. At approximately 4600 S. Lamon, Subject 1 rode his bicycle north, at which time Officer B exited his squad car and chased Subject 1 on foot. At approximately 4600 S. Lamon, Subject 1 hit a curb and flipped over the handle bars before falling to the ground. Subject 1 rose to his feet and ran north towards the LeClaire Courts Housing Complex. Officer A stopped, exited his squad car, and also chased after Subject 1 on foot. When Subject 1 reached the first gangway to the north of 45<sup>th</sup> and Lamon, he turned and pointed a gun (Beretta 1934, 9mm semi-automatic pistol) at Officer A. Officer A then fired his weapon (Sig Sauer P226, 9mm) two to three times at Subject 1, who appeared to lose his footing and fell to one knee. Subject 1 then pointed his gun a second time at Officer A, who fired twice more at Subject 1. Subject 1 then fell to the ground. Subject 1 was taken by ambulance to Mount Sinai Hospital where he was pronounced dead.

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**INVESTIGATION:**

**Witness 1** related to the **Roundtable Panel** that he, [Name Withheld], and Subject 1 were going to steal a bicycle when they saw the police, and rode away on their bicycles. Witness 1 stated that he and [Name Withheld] were stopped by officers who told them to “raise up your shirts.” Both Witness 1 and [Name Withheld] complied. As the officers spoke to them, Witness 1 saw Subject 1 ride his bicycle at a high rate of speed with police officers chasing after him on foot. Witness 1 related that Subject 1 ran north from 45<sup>th</sup> Street to the west end in the “homes” (LeClaire Courts Housing Complex). Witness 1 stated that he then rode his bicycle to the west end of the building and that he saw Subject 1 running north from 45<sup>th</sup> Street towards the west end of the building because, according to CPD Detective 1, he intended to meet up with Subject 1 on the other side of the building. Witness 1 stated that Subject 1 was already lying on the ground by the time he (Witness 1) rode his bicycle around the building. Witness 1 stated that he did not witness the shooting. Witness 1 stated that prior to the incident he knew that Subject 1 had a gun. (Att. 5).

During an interview with CPD Detective 2 and CPD Detective 3, in which Assistant State’s Attorney A was present, on 18 August 2008, **Witness 1** stated that he is sixteen years old, resides in the LeClaire Courts Housing Complex, and had known Subject 1 for one year. In the early evening of 18 August 2008<sup>1</sup>, Witness 1 stated that he “kicked” it with Subject 1 and some other guys in the Declare Courts Housing Complex. They “got high” and rode bicycles, separating for a time and meeting up again at approximately 2145 hours, when they decided to steal a bicycle from the “homes” across Cicero from their complex. Witness 1 stated that when they saw a squad car, they decided to go back to their side of Cicero but traffic separated the group. Witness 1 was initially alone when an officer in a squad car stopped him and told him to lift his shirt, which he did. Witness 1 saw a squad car pull up on Subject 1, who stopped his bicycle at first but then continued to ride his bicycle away from the officers.

Witness 1 related to the detectives that he lost sight of Subject 1 and next saw him running on foot, being chased by three police officers, towards a gate. Witness 1 next heard someone yell, “He’s got a gun!” and then heard gunshots. Witness 1 related that he thought the police were yelling about Subject 1 because he knew that Subject 1 had a gun. Witness 1 elaborated that around 2100 hours, he saw the “print” (outline) of a gun through Subject 1’s pants. Witness 1 also stated that he knew Subject 1 was “acting bolder,” but he did not know why Subject 1 would need a gun to steal a bicycle. Witness 1 then went around the opposite of the building to see if Subject 1 had been shot or kept running. Witness 1 saw Subject 1 lying down on the ground on his stomach. (Att. 57).

In a statement to IPRA on 18 August 2008, **Witness 2** related that on 17 August 2008, at approximately 2210 hours, she was standing on 44<sup>th</sup> and Lamon with a group of six people (whom she failed to identify) when she saw two police cars, one marked and

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<sup>1</sup> It should be noted that although the date of incident is documented in Witness 1’s statement as 18 August 2008, the date of the incident is 17 August 2008.

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one unmarked, chasing a black man who was riding a bicycle. Witness 2 recognized the man as “[First Name]” now known to be Subject 1. Subject 1 was riding his bike towards her when she saw one of the police cars “bump” the bicycle near the high curb at 45<sup>th</sup> and Lamon. The “bump” caused Subject 1 to fall face forward onto the ground. Witness 2 stated that she saw Subject 1 get up from the ground and attempt to walk toward Laporte Street, but he was limping and trying to pull his left leg up. Witness 2 stated that she was approximately fifty feet away from Subject 1 when the squad car “bumped” him and that her view was unobstructed.

Witness 2 related that Subject 1 limped approximately four steps before two officers, one in uniform and one in plain clothes, exited the squad car and immediately shot Subject 1 who fell face down on the ground. Witness 2 stated that she heard nine gunshots and saw the officers shoot Subject 1 in the back. Both officers ran to Subject 1 after he fell. The uniformed officer put his foot on Subject 1’s back and stayed with him while the officer in plain clothes walked around the immediate area. The officer in plainclothes bent down approximately two feet away from Subject 1 and Witness 2 observed a black gun and a black White Sox cap.

Witness 2 related that she and her six friends walked toward Subject 1 and called out, “[First Name],” but he did not respond to them or the police officers. More police personnel arrived and put up police tape, moving Witness 2 and her friends away. Witness 2 gave her information to a detective and told him that she had witnessed the shooting. (Atts. 15, 17, 36).

In a statement to IPRA on 18 August 2008, **Minor Witness 3** related that on 17 August 2008, the police picked him up at 46<sup>th</sup> and Kilpatrick because he fit the description of a male subject. The officers, both white males, one with blonde hair and one with black hair, put Minor Witness 3 in the back of the squad car. Minor Witness 3 could not hear what the officers said, but the squad car sped up as it went westbound on 45<sup>th</sup> Street. A male subject, now known to be Subject 1, was on a bike at 46<sup>th</sup> Street and LaCrosse. The squad car sped up after Subject 1, but Subject 1 was riding his bicycle faster and stayed ahead of the squad car.

Minor Witness 3 stated that Subject 1 looked back at the squad car as he pedaled and the squad car continued to follow him westbound through the intersection of 45<sup>th</sup> and Cicero. Another squad car joined the chase. The officer with black hair told the officer with blonde hair to “speed up” and the officer with black hair hit Subject 1 with the squad car door. Subject 1 pedaled faster and tried to “jump” a curb but fell to the ground. Subject 1 got up and ran to 45<sup>th</sup> and Lamon. The squad car stopped and both officers ran after Subject 1. Two other officers exited their squad car and also ran after Subject 1. Minor Witness 3 was left alone in the squad car.

Minor Witness 3 related that he saw Subject 1 rubbing his legs as he ran but did not know why he did that. Minor Witness 3 heard an officer yell, “Stop, motherfucker,” but Subject 1 kept running and made a left turn into a “gateway.” Minor Witness 3 heard three or four shots but did not see who fired them because a building blocked his view

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into the gateway. Minor Witness 3 then heard on the squad car radio that a male subject had been shot. Minor Witness 3 related that he did not see Subject 1 with a gun. Officers took Minor Witness 3 to 51<sup>st</sup> and Wentworth but did not arrest him. (Att. 19).

According to the **Case Supplemental Report**, CPD Detective 4 and CPD Detective 5, reported that **Minor Witness 3** stated that he observed Subject 1 fall off of his bike, get up and hold his right leg by the pocket. It is further reported that Witness 3 stated he believed that Subject 1 hurt his leg because he kept his hand on his right side by his pocket. It is also reported that Witness 3 stated he observed Subject 1 look back in the police officer's direction while being chased on two occasions. It is also reported that Witness 3 related he observed Subject 1 run past the gate and he observed one of the officers fire his gun three times in the direction where Subject 1 ran. Witness 3 stated that he did not see Subject 1 once he went past the gate. (Att. 53, pgs. 12-13).

In a statement to IPRA on 18 August 2008, **Witness 9** stated that she is the mother of Witness 3 and that she returned home once she was notified that the police had Witness 3 in custody. Witness 2 did not witness the incident, but was given an account of it by Witness 3. (Att. 21).

**Witness Officer C** related to the **Roundtable Panel** that he and his partner, Officer D, responded to a Burglary in Progress call near 4700 S. Knox. Upon arrival, they were given a description of one of the offenders as being a black male wearing a red shirt. Officer C and Officer D then toured the area and at approximately 4600 S. Knox, they stopped a black male matching that description. Officer C stated that the subject told them that he was with two other people and pointed at two other black males, one wearing a white shirt and one wearing a black shirt, near 4700 S. Kilpatrick. The two subjects fled west on 46<sup>th</sup> Street across Cicero. Officer C related that he saw the subject in the red shirt, now known to be Subject 1, flee north and observed Officer B exit his squad car and run north at 46<sup>th</sup> and Lamon. Officer C and Officer D drove north on Lamon, parallel to Subject 1's direction of flight. Officer C then exited the squad car and chased after Subject 1 on foot.

Officer C continued that he attempted to cut off Subject 1, but Subject 1 was able to maneuver his bicycle around Officer C and continue north on Lamon. Officer C stated that at 4500 S. Lamon, Subject 1 struck a curb and fell off of his bicycle. Subject 1 then rose to his feet and ran north towards the buildings. Officer C stated that he saw Subject 1's hands fumbling near the front of his waistband and then saw Subject 1 holding a gun. Officer C yelled, "Gun! Gun! Gun!" Officer C also heard Officer A yell, "Gun!"

Officer C stated that when Subject 1 reached the fence of the nearby building, he turned and pointed the gun across his body at Officer A, who then fired his weapon at Subject 1. Subject 1 fell to one knee and pointed the gun at Officer A again. Officer A then fired again and Subject 1 fell to the ground. A few seconds later, another black male subject riding a bicycle, now known to be Witness 1, approached them from the west end of the building and Witness 1 was detained. (Att. 5).

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In a **statement to IPRA** on 30 June 2011, **Witness Officer C** reiterated the account of the incident that he provided to the Roundtable Panel, adding that he sent a flash message of this foot chase in pursuit of Subject 1. Officer C related that once Subject 1 fled to the LeClaire Courts Housing Complex, several officers (on both foot and in vehicles) in addition to Officer C pursued Subject 1. Officer C described the layout of the LeClaire Courts as not being on a grid and possessing few vehicle entrances, adding that the streets were wide and zigzagged in circles. Officer C stated that he did not observe any squad card “bump” Subject 1 during the pursuit. Officer C related that Officer A was in front of him when he saw Subject 1 reaching in his waistband and turn and point turn the weapon at Officer A. Officer C stated that he had drawn his weapon but did not fire his weapon at Subject 1 because he would have struck Officer A in the back (if he had fired his weapon). (Atts. 82, 107).

**Witness Officer D** related to the **Roundtable Panel** essentially the same account of the incident that Officer C provided to the Roundtable Panel. Officer D added that he observed Subject 1 pull a gun from his front waist area when he got to his feet after he fell off his bicycle. Officer D stated that Subject 1 ran north into the housing projects, then turned west and ran towards a fence between two buildings. When Subject 1 reached the fence, he turned and pointed the gun at Officer A, who then fired his weapon two to three times at Subject 1. Subject 1 fell to one knee and pointed his gun again at Officer A who fired his weapon at Subject 1 another two or three times. Officer A then yelled, “I got him!” Officer D then handcuffed Subject 1. (Att. 5).

In a **statement to IPRA** on 15 June 2011, **Witness Officer D** reiterated the account of the incident that he provided to the Roundtable Panel, adding that he observed Officer A stop his vehicle and get out so he could pursue Subject 1 on foot after Subject 1 hit the curb and left the bicycle, running on foot. Officer D stated that after he saw Subject 1 remove a weapon from his waistband and run north into the LeClaire Courts Housing Complex, he also exited the squad car and ran after Subject 1. Officer D added that Officer A was the closest officer behind Subject 1 and that Officer A fired his weapon at Subject 1 after he turned and pointed it at Officer A. Officer D stated that after pointing the weapon a second time at Officer A, Officer A fired again at Subject 1 who seemed to “shot put,” that is, “throw” his weapon as far away from himself as he could. Officer D stated that he was unable to draw his weapon until he stopped running and immediately holstered it in order to handcuff Subject 1. (Atts. 81, 85).

**Witness Officer B** related to the **Roundtable Panel** that he and Officer A responded to a Burglary in Progress call and subsequently chased two black male subjects that matched the offenders’ descriptions west across Cicero Avenue, at which point the two subjects fled in different directions. Officer B and Officer A chased one of the subjects, now known as Subject 1, to 4600 S. Lamon and then north on Lamon. Once on Lamon, Officer B jumped out of the squad car and chased Subject 1 on foot because it appeared that Subject 1 might jump off the bicycle and continue on foot. Officer A continued to drive north on Lamon, parallel to Subject 1. Officer B stated that he was at approximately 4520 S. Lamon when he heard several gunshots. By the time Officer B

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caught up to Officer A, Subject 1 and another subject, now known as Witness 1, were in custody. Officer B did not witness Officer A fire his weapon. (Att. 5).

In a **statement to IPRA** on 15 June 2011, **Witness Officer B** reiterated the account of the incident that he provided to the Roundtable Panel, adding that he heard gunshots as he ran toward Officer A and Subject 1, but did not witness Officer A shoot Subject 1. Officer B stated that Subject 1 was handcuffed and on the ground by the time he arrived, and that he observed a handgun on the ground, approximately 5-10 feet from Subject 1. (Atts. 80, 84).

**Witness CPD Sergeant A** related to the **Roundtable Panel** that he responded to the Burglary in Progress and subsequently the foot chase. CPD Sergeant A stated that he monitored the foot chase over the radio as it progressed north on Lamon. CPD Sergeant A stated he was westbound on 45<sup>th</sup> Street, approaching Lamon, when he heard gunshots. CPD Sergeant A parked his car in the empty lot just north of 4500 S. Lamon and observed one offender in custody. CPD Sergeant A then observed Officer B guarding a handgun on the ground and instructed him not to touch the gun. (Att. 5).

**Involved Officer A** related to the **Roundtable Panel** that he and Officer B chased Subject 1 who attempted to flee on a bicycle west on 46<sup>th</sup> Street from Cicero Avenue. As Subject 1 proceeded north on Lamon Avenue, Officer B exited the squad car and chased Subject 1 on foot. Officer A stated that he then drove the squad car north on Lamon, Paralleling Subject 1 as he rode the bicycle north on Lamon. Officer A stated that as they approached 45<sup>th</sup> Street, Subject 1 crossed in front of the squad car, struck the curb and flipped over the handlebars. Subject 1 fell to the ground but immediately got to his feet and began to run north while tugging at the front of his pants. Officer A exited the car and chased after Subject 1, during which he saw Subject 1 holding a gun. Officer A stated that when Subject 1 reached the gate of a nearby building, he turned and pointed the gun at Officer A. Officer A then fired two or three times at Subject 1, who appeared to stumble. Officer A ordered Subject 1 to drop the gun. Subject 1 raised the gun and pointed it at Officer A again. Officer A fired his weapon two more times at Subject 1, who then fell to the ground. As officers placed Subject 1 in custody, a second black male subject on a bicycle, now known as Witness 1, approached the officers from the west end, and was also taken into custody. (Att. 5).

In a **statement to IPRA** on 10 June 2011, **Involved Officer A** reiterated the account of the incident that he provided to the Roundtable Panel, adding that he attempted to cut off Subject 1 on his bike with his squad car at the apron of a parking lot at 46<sup>th</sup> and Cicero, but was unsuccessful. Officer A stated that at 46<sup>th</sup> and Lamon, Subject 1 looked like he was going to leave the bike and run on foot, so he let Officer B out of the squad car. Officer A related that the lights and sirens were on as he rode down Lamon next to Subject 1, who then tried to jump a curb and instead hit it with his front tire and flew over the handle bars. Officer A stated that he stopped his car, got out and started chasing Subject 1 on foot, broadcasting Subject 1's position as he ran. Officer A stated that Subject 1 limped as he ran after flipping over his bike.

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Officer A stated that Officer C and Officer D pulled up and ran behind him in pursuit of Subject 1. Officer A stated that he had assumed Officer B was also behind him, but learned later that he was farther back. Officer A stated that Subject 1 was not running that fast as he reached into the right side of his pants and pulled out a handgun. Subject 1 continued to run in a “zigzag” pattern as Officer A yelled, “He’s got a gun,” to alert the other officers behind him. Officer A stated that his yelling signaled to Subject 1 that he was close by and Subject 1 turned and pointed his gun at Officer A to shoot him. Officer A stated that he drew his weapon and fired two to three times, striking Subject 1, who staggered. When Subject 1 gained his balance, he again pointed his weapon at Officer A, who started moving so Subject 1 could not get good aim of him. Officer A fired his weapon two to three more times and Subject 1 went down to the ground.

Officer A related that he later found out that Subject 1 had pulled the trigger, but that the weapon malfunctioned, referring to it as a “stove pipe.” (Atts. 76, 83).

**Witness 4, Witness 5, Witness 6, Witness 7 and Witness 8** were identified to IPRA as **witnesses** to the incident. However, all attempts to obtain their statements met with negative results. (Atts. 34 – 38).

The **Tactical Response Report (TRR)** and **Officer’s Battery Report** for **Involved Officer A** documented that he used member presence and verbal commands when he encountered Subject 1 who was armed with a handgun and had become an Assailant according to the Use of Force Model, before utilizing deadly force. Officer A sustained no injuries. (Atts. 9, 10).

The **Tactical Response Report (TRR)** and **Officer’s Battery Report** for **Involved Officer C and Officer D** documented that Officer C utilized member presence and verbal commands, and Officer D utilized member presence, when they encountered Subject 1, who was armed with a handgun and had become an Assailant according to the Use of Force Model. Officer C and Officer D sustained no injuries. (Atts. 7, 8, 11, 12).

The **General Offense Case Reports for Aggravated Assault to a PO: Handgun RD# HP-519303** contained an account of the incident that was consistent with the accounts provided to the Roundtable Panel and the Summary of Incident. (Att. 6)

The **Supplementary Case Reports for Aggravated Assault to a PO: Handgun** referenced RD # HP-519643 and is classified as Cleared Closed. (Atts. 52 & 55)

The **General Offense Case Reports for Justifiable Homicide RD# HP-519643** referenced RD# HP-519303 Assault / Aggravated PO: Handgun. (Att. 51)

The **Supplementary Case Report for Justifiable Homicide RD# HP-519643** contained a more detailed account of the incident that was consistent with the accounts provided to the Roundtable Panel and the Summary of Incident. This report also identified two additional witnesses to the incident: Witness 6 (no further information) and Witness 5. Witness 6 stated that he resided at 44XX S. Lamon. On 17 August 2008,



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Witness 6 observed a police officer, now known to be Officer A, chase a black male, now known to be Subject 1, on foot. Witness 6 observed Subject 1 turn in the direction of Officer A and then saw Officer A shoot Subject 1. Witness 6 stated that Subject 1 continued to run and did not see Subject 1 holding a gun. No further information was provided by Witness 6. Witness 5 stated that he was inside his residence at 44XX S. Lamon when he heard gunshots being fired. Witness 5 immediately opened the door to his residence and observed police officers outside his residence. Witness 5 related that he saw no neighbors outside of their residences when he opened the door. (Att. 53)

The report from **Acting Assistant Deputy Superintendent A** included an account that was consistent with the Roundtable report and the Case Supplemental Case Report. (Att. 4).

A **canvass** of the location of incident failed to yield any additional witnesses. (Att. 27).

A **POD recording** from POD #300, located at the address of 4458 S. Cicero, was obtained for the incident date 17 August 2008, from 2146 hours to 2230 hours. At 2203 hours, a man on a bicycle is observed riding southbound near 4500 S. LaCrosse. At 2204 hours, the recording showed one boy on foot and two boys on bicycles observed traveling westbound on 45<sup>th</sup> Street from Cicero. At 2207 hours, two boys crossed Cicero westbound at 45<sup>th</sup> Street as a black unmarked police vehicle with blue flashing lights made a U-turn at 45<sup>th</sup> Street from northbound Cicero to southbound Cicero. At 2208 hours, an unmarked police vehicle and a marked police vehicle are seen southbound on Cicero near 45<sup>th</sup> Street. At 2210 hours, another unmarked police car, along with a Chicago Fire Department (CFD) ambulance, and a fire truck arrived at 4900 W. 45<sup>th</sup> Street. Between 2212 and 2230 hours, more than two dozen police vehicles arrived in the area of or parked on 45<sup>th</sup> Street between Cicero and Lamon. This POD Recording did not capture the incident. (Atts. 46, 47).

The **Officer of Emergency Management and Communication (OEMC) Event Queries and 911 recordings** provided information consistent with the Summary of Incident as to citizens calling regarding attempted burglaries in the vicinity of 47<sup>th</sup> and Knox, the reporting of shots fired by the police, and ambulance requests for a boy who was shot by police. (Atts. 48, 86, 88-105).<sup>2</sup>

The **Chicago Fire Department (CFD) Ambulance Report** stated that EMTs in Ambulance #21 responded to a call of a gunshot victim at 4500 S. Lamon and found Subject 1, then identified as a John Doe, half of a block away. Subject 1 was handcuffed, lying on his back, and had shallow respiration. The EMTs administered CPR to Subject 1 in the ambulance but he was unresponsive. The report documents that CPD related to

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<sup>2</sup> Attempts to contact the unidentified 911 callers for additional information met with negative results. (Att. 112).

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the EMTs that Subject 1 “fired weapon at police and police returned fire.”<sup>3</sup> Subject 1 was transported to the Mount Sinai Emergency Room / Trauma Center. (Att. 39).

**CPD Detective 6** related to the **Roundtable Panel** that he responded to Mount Sinai Hospital and learned that Subject 1 had sustained a gunshot wound to the left side of his upper back, a gunshot wound to his left hip, and another gunshot wound to his left rear leg. Doctor A pronounced Subject 1 dead. IPRA Investigator A also went to Mount Sinai Hospital and learned the same information. (Atts. 5, 13).

**Medical Records** from Mount Sinai Hospital stated that Subject 1 arrived at the Mount Sinai Emergency Room on 17 August 2008, at approximately 2249 hours, via CFD ambulance, with CPR in progress and continued, for multiple gunshot wounds. It was noted that Subject 1, who was admitted under the name James Doe,” was under arrest. Treatment continued until Subject 1 expired and was pronounced dead at 2255 hours by Doctor A. (Att. 71).

The **Postmortem Examination** was performed on Subject 1 on 18 August 2008, by Doctor B. The examination revealed that Subject 1 had sustained three gunshot wounds in total: one to the left back that entered the lungs; one to the left groin that coursed left to right and upward; and one that grazed the back left thigh. None of these gunshot wounds displayed evidence of close range firing. Doctor B removed two bullets from Subject 1 that were submitted to CPD as evidence. There were abrasions on Subject 1’s right forearm, hand, shoulder, knee, groin, and forehead. There was also a small abrasion to the front of Subject 1’s lower left leg. The subsequent toxicology report stated that Subject 1 tested positive for alcohol (10 mg/dl peripheral blood/ethanol). (Atts. 14, 40).

The **Medical Examiner’s Photographs** depict the body of Subject 1 in detail, his clothing and personal effects, the permanent markings on his body such as tattoos, and the bullets recovered from his body. (Att. 44).

The **Evidence Technician Photographs** and **Video Tape** depict the location of the incident and the locations of recovered evidence, including a black bicycle, a handgun at the location of the incident, and an Oakland A’s cap. Crime scene photographs further depict the location of three spent shells and blood on the ground. A close-up photograph of Subject 1’s gun depicts the weapon in the cocked position. Another photograph depicts the loaded magazine of Subject 1’s weapon. These photographs also depict a red bicycle between a squad car and a curb. (Atts. 30, 43, 50).

The **Crime Scene Processing Report** documented that both Subject 1’s weapon and Officer A’s weapon were inventoried, and that a Gun Shot Residue (GSR) test was administered to Subject 1. (Att. 30).

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<sup>3</sup> It should be noted that although EMTs documented that CPD reported to them that Subject 1 fired at police, at no time do any of the involved officers state that Subject 1 fired his weapon at the officers.

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An **Illinois State Police Division of Forensic Sciences Report** dated 30 September 2008, documented that the firearm belonging to Subject 1, a Beretta model 1934 380 Auto 9 mm automatic pistol was examined and found to be in firing condition. A subsequent **Illinois State Police Division of Forensic Science Report** dated 2 October 2008, documented that the firearm belonging to Officer A, A Sig Sauer Model P226 9 mm Luger semi-automatic pistol was examined and found to be in firing condition. (Att. 65).

An **Illinois State Police Division of Forensic Sciences Report** dated 09 April 2009, documented that upon examination of the ISP SEM / GSR collection kit, Subject 1 most likely did not discharge a firearm during the incident on 17 August 2008. (Att. 45).

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**CONCLUSION / 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 03-02-03, III. *Department Policy*:

- 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 A's use of deadly force was in compliance with Department policy because at the time he fired his weapon at Subject 1, he believed that Subject 1 was going to shoot and cause great bodily harm or death to either himself, or Officer C, Officer D, or Officer B. Subject 1 fit the description of a suspect in a robbery and then fled from the police. As Officer A caught up to Subject 1, he turned and pointed his weapon at Officer A. Evidence Technician photographs depicted Subject 1's weapon in the "halfcocked" position, indicating that Subject 1 pulled the trigger and attempted to shoot Officer A.