

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1020029 - U# 08-34

INVESTIGATION

NUMBER: LOG # 1020029 / U# 08-34

OFFICER #1

INVOLVED: "Officer A" (Chicago Police Officer); Male/Black; 37 years old; On-Duty; Full Uniform; Year of Appointment – 1996

OFFICER'S

INJURIES: None Reported

OFFICER #2

INVOLVED: "Officer B" (Chicago Police Officer); Male/Black; 48 years old; On-Duty; Full Uniform; Year of Appointment – 2000 (DID NOT DISCHARGE)

OFFICER'S

INJURIES: Laceration to right hand (glass)

SUBJECT: "Subject 1"; Male/Black; 24 years old

SUBJECT'S

INJURIES: One GSW to the left thigh (through & through) and one GSW to the chest. Transported to Christ Hospital. (Fatal)

INITIAL

INCIDENT: Shots Fired

DATE/TIME

OF INCIDENT: 16 September 2008, at 1453 hours

LOCATION:

7000 S. Bishop Street - Beat 734

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SUMMARY OF INCIDENT:

On 16 September 2008, at 1453 hours, Officer A, and Officer B, both in uniforms, were assigned to one-man units. The officers had just finished assisting the Department of Aging with a "well-being check" at 6933 S. Emerald Street when they heard approximately six gunshots. The officers patrolled the area as random citizens provided information to them and reports from OEMC provided additional information. The officers observed a red vehicle weaving in and out of traffic, which matched the description of one that had just been used in a drive-by shooting on the 6800 block of Marshfield. The officers followed and stopped the vehicle at 70th & Bishop. The officers observed multiple offenders in the vehicle, but their attention was focused on two offenders that exited the vehicle. Officer A detained one of the offenders. The second offender, now known as Subject 1, ran behind Officer B's squad car. Officer B grabbed Subject 1 to conduct an Emergency takedown. Subject 1, who attempted to run, spun around and grabbed Officer B's gun from his waistband and pointed the gun at Officer B and Officer A.

Officer A, in fear for his and his partner's safety, as well as the safety of the citizens on the street, fired his gun twice, striking Subject 1 in the thigh and chest areas. Subject 1 fell to the ground dropping the weapon. Officer A secured the weapon and notified OEMC, requesting an ambulance and supervisors. Subject 1 was transported to Christ Hospital, where he was pronounced dead by Doctor A. During the incident, the unknown offenders that had not exited the red vehicle, drove off. The vehicle was later recovered at 1510 W. 73rd Place, and was towed and impounded. The victim of the earlier drive-by shooting, Witness 5, was shot in the back of the right thigh and was transported to Holy Cross Hospital where he was treated and released. (Atts. 4, 37).

INVESTIGATION:

In a **statement** provided to IPRA on 16 September 2008, Witness 1 stated that he was removing his laundry from his vehicle when he observed a red vehicle stopped at 70th & Bishop by two marked police vehicles. Witness 1 observed a black male holding an object in his right hand. Witness 1 heard an officer yell, "Get the fuck down, get the fuck down!" but the male turned and ran. At that point, Witness 1 observed the male point the object towards the officer, who was standing in the middle of the street. Witness 1 stated that he heard three shots from the officer's gun and observed the male's gun fly out of his hand and the male fall to the ground. Witness 1 observed the officer handcuff the male then stand up and ordering everyone to back up. Witness 1 could only describe the second officer as a white male. Witness 1 stated that many more officers arrived on the scene. Witness 1 stated that he went in his residence and did not observe anything further. (Att. 10).

In a **statement** provided to IPRA on 16 September 2008, Witness 2 (no relation to Subject 1) stated that she was on her front porch at 69XX S. Bishop and observed Subject 1 and another male known to her as "[Nickname]" exit a red vehicle that was stopped at 70th & Bishop. Witness 2 observed a blue and white police vehicle stop in front of the red vehicle. Witness 2 observed a black male officer exit the police vehicle with his gun drawn and pointed at Subject 1.

Witness 2 observed Subject 1 attempt to run, but he then stopped and reached in his waistband, grabbed an unknown object, and threw it into the air. Witness 2 stated that Subject 1 put his hands in the air and the officer fired one shot at him. She then observed Subject 1 lower his arms when the

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officer fired a second shot at him. Witness 2 stated that Subject 1 fell to the ground. Witness 2 stated that the officer then turned and pointed his gun at “[Nickname]” and yelled, “Get on the ground!” and “[Nickname]” complied. Witness 2 stated that the second officer who arrived on the scene was a white female, who handcuffed “[Nickname].” Witness 2 stated that she did not know what the object was that Subject 1 had in his hand and threw up in the air. Witness 2 stated that at no time during the incident did the officer give Subject 1 any verbal commands. She did not observe any physical contact between the officer and Subject 1. Witness 2 stated that Subject 1 is a friend of her brother, [Brother’s name withheld]. (Att. 13).

In a **statement** provided to IPRA on 16 September 2008, Witness 3 stated that she had just picked up her son from school at 70th & Loomis and was walking towards Ashland when she observed a red vehicle parked at 70th & Bishop. Witness 3 stated that she heard sirens and observed several squad cars on 70th Street, blocking the red vehicle. Witness 3 stated that she observed a black male officer exit the squad car with his gun drawn. Witness 3 observed a male she knows as “[Subject 1’s First Name]” near the red vehicle. Witness 3 stated that the officer told “[Subject 1’s First Name]” to “get down,” but “[Subject 1’s First Name]” ran to the corner of 70th & Bishop. Witness 3 stated that “[Subject 1’s First Name]” reached into his waistband and drew a gun. Witness 3 stated that she observed “[Subject 1’s First Name]” throw the gun into a grassy area when the officer fired two shots at him. Witness 3 observed “[Subject 1’s First Name]” fall to the ground and the officer fell on top of him. Witness 3 stated that she did not observe any physical contact between the officer and “[Subject 1’s First Name].” (Att.15).

In a **statement** provided to IPRA on 16 September 2008, Witness 4 (no relation to Subject 1) stated that he was on his front porch with his brother, [Brother’s name withheld], and his sister, Witness 2. Witness 4 stated that he observed his friend, Subject 1, and a person he knows as “[Name Withheld]” exit a red car at 70th & Bishop and walk away. He also observed two other males that remained in the red vehicle. Witness 4 stated that a marked squad car pulled up at 70th & Bishop, and the males in the red vehicle immediately sped off. Witness 4 stated that a heavysset black male uniformed officer exited the squad car with his gun pointed at Subject 1 and told him not to run. At that point, Witness 4 observed Subject 1 reach into his waistband, pull out a .45 caliber semi-automatic gun, and attempt to throw the gun as he began running. Witness 4 stated that the officer immediately shot Subject 1, who fell to the ground. Witness 4 then observed the officer shoot at Subject 1 again, but that shot missed. Witness 4 stated that Subject 1 never moved and appeared to be dead. Officer A then walked over to “[Name Withheld]” and handcuffed him. He then had “[Name Withheld]” face-down on the ground next to Subject 1. The officer picked up Subject 1’s gun, which was about eight feet away from him. Witness 4 stated that additional officers responded to the scene. An ambulance came, took Subject 1 away and the officer that shot Subject 1 also left the scene. Witness 4 stated that his friend, Subject 1, went to Harper High School with him and that he has known “[Name Withheld]” for about two years. Witness 4 stated that he knows the officer who shot Subject 1 because that officer worked security at Harper High School. (Att.16).

In a **statement** provided to IPRA on 16 September 2008, Witness 5 stated that he had just parked his car and was walking home when he observed a red car driving the wrong way on Marshfield towards 69th Street. Witness 5 stated that he walked up the stairs when an unknown black male ran towards him, shooting at him. Witness 5 stated that the man shot at him six times, but only one bullet got him in the right leg. Witness 5 stated that he fell on his front porch and

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crawled inside his house. Witness 5 stated that he did not have any further information regarding the shooting at him or anything that occurred after that. (Att. 12).

IPRA Investigator A responded to Christ Hospital on 17 September 2008 at approximately 1615 hours. IPRA Investigator A inquired on the condition of Subject 1, who was shot by the police, and learned that Subject 1, was deceased. Doctor A pronounced Subject 1 dead at 1547 hours. IPRA Investigator A spoke to the responding physician, Doctor B, who stated that Subject 1' cause of death appeared to be a gunshot wound to the center mass of the chest. (Att. 19).

IPRA Investigator B responded to the Cook County Medical Examiner's Office on 17 September 2008 to observe the postmortem examination of Subject 1. IPRA Investigator B stated that Subject 1's case number was ME # 246 Sep 08. Doctor C indicated that Subject 1 sustained a gunshot wound to the chest, in the heart area, with an exit wound to the right side of the mid back. Doctor C observed a second gunshot wound to the back of the left leg, just below the buttock, its exit wound on the upper right thigh. Doctor C stated that Subject 1's cause of death was multiple gunshot wounds and manner of death was a homicide. (Att. 20).

The **Office of Emergency Management and Communications (OEMC)** recordings of relevant transmissions made by both citizens and Department Personnel and related Event Queries provide information consistent with the Summary of Incident, including the reporting of shots fired by the police and an ambulance request. (Atts. 57 – 60)

A **Chicago Fire Department Ambulance** records show paramedics responded to a call of a gunshot victim. The report revealed that paramedics found the patient, "Sampson Doe" (now known as Subject 1) on the ground with multiple gunshot wounds and he was with Chicago Police Officers. Subject 1's status was reassessed with no spontaneous respiration, no expansion, and he remained unresponsive. (Att. 23).

The related **Department Reports**, which include a Case Report (RD # HP-575055), Tactical Response Reports and Officer's Battery Report, provide the account of the incident that is consistent with the summary of incident. Officer A ordered Subject 1 to drop the gun that he had in his hand. Officer A fired his weapon when Subject 1 pointed the gun at Officer B's face. (Atts. 5 - 9, 24, 32 - 33, 45).

The **Detectives' Supplementary Reports**, (RD# HP-575-055), revealed that Subject 1's weapon was recovered from the scene and determined to be a Rock Island Armory, Model 1911-type, .45 caliber semi-automatic pistol, serial #RIA982263. The weapon was loaded with four .45 caliber rounds - three in the weapon's magazine and one in the chamber. (Atts. 54-56).

A **canvass** conducted in the vicinity of 7000 S. Bishop Street did not produce any additional witnesses than those already mentioned and interviewed. (Att. 21).

Medical Records from Christ Hospital Medical Center indicate that Subject 1 arrived at the hospital intubated by the paramedics due to a gun shot wound to his chest and left thigh. No other deformities, abrasions or lacerations were noted. (Att. 75)

The Post-Mortem Examination Report of Subject 1, ME #246 September 2008, by Doctor C, reveals that Subject 1 sustained two entry gunshot wounds and two exit wounds. Doctor

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C indicated that Subject 1 sustained an entry gunshot wound to the chest, in the heart area, with an exit wound to the right side of the mid back. The second gunshot wound was to the back of Subject 1's left leg, just below the buttock and its exit wound was on the upper right thigh. Doctor C determined Subject 1's cause of death as multiple gunshot wounds and the manner of death homicide. (Att. 79)

The **Medical Examiners Photographs** taken 17 September 2008, depict Subject 1 with an entry gunshot wound on the chest, exit wound on the back, an entry gunshot wound to the back of the left leg, exit wound to the upper right thigh. Photos were also taken of Subject 1's clothes, which were stained with blood. (Atts. 47, 48).

The **Evidence Technician Photographs** taken on 17 September 2008, depicted photos of the shooting scene at 7000 S. Bishop Street, and of the vicinity of 69th & Marshfield. E.T. Photos were also taken of the red vehicle Subject 1 exited. (Atts. 30, 31).

The **Illinois State Police (ISP), Division of Forensic Services Reports**, provided the results of various items that were tested. A Beretta U.S.A. Corp., model 92D Centurion .9mm Luger caliber semiautomatic pistol was examined and found to be in firing condition. It was test fired and it displayed rifling characteristics of six land and grooves with a right hand twist. Various cartridge cases were inventoried and examined however, no identification was made. The pistol, cartridges and magazine marked Subject 1, revealed latent impressions suitable for comparison but did not reveal any identification. The ISP SEM/GSR kit recovered from Subject 1, from both of his hands, indicated that Subject 1 discharged a firearm. (Atts. 71 – 74)

In a **statement** provided to IPRA on 09 March 2012, **Officer B**, stated that on 16 Sep 08, he was working alone. Officer B stated that he responded to a call of assistance for a well-being check at 69th and Loomis. Officer A responded to this call as well. Officer B stated that after he and Officer A completed the assist job, they were walking to their vehicles when they heard seven shots, which came from a block or two away. Officer B stated that he got into his vehicle and Officer A got into his own vehicle. They responded in the direction where the shots were heard. Officer B stated that as he drove behind Officer A's vehicle to 69th Street, a red car almost side-swiped him. At the same time, citizens standing on the corner pointed to the red car that was fleeing at a high rate of speed. Officer B observed the car was driving erratically through traffic. Officer B believed that the car was involved in the prior shooting. Officer B stated that the citizens were yelling, "That's the car right there that was involved in the shooting!"

At that point, Officer A was in front of his vehicle and they both pursued the red car. Officer B stated that the red car made a turn onto Bishop, which is a dead end street with a barricade. Officer B observed Officer A turn on Loomis, so he followed and they drove to 70th Street, making a right turn in front of the red car. Officer B observed three individuals inside the red car and one outside the red car near the passenger door. Officer B observed the individual by the cars passenger door attempt to flee. Officer B yelled to the individual, "Stop, get down! Let me see your hands!" Officer B stated that as he exited his vehicle one of the individuals (now known as Subject 1) ran behind his vehicle and Officer B immediately chased him. Officer B stated that because he was closer to Subject 1 and because Subject 1 was not following Officer A's commands, he attempted to do an emergency takedown. Officer B stated that he was going to tackle Subject 1, but Subject 1 moved around from side to side and back and forth, at which point Officer B barely had a grip on Subject 1's clothes. Officer B stated that Subject 1 turned around and his hand came

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up. He could not actually see what Subject 1 had in his hand at first, before realizing Subject 1 had a gun.

Officer B stated that the gun was pointed at his face. Immediately, Officer B heard two shots go off and he thought he was hit. Officer B stated that he recalled hearing, "Drop it! Drop the gun!" Officer B believed that Subject 1 shot him. Officer B was facing Subject 1 when he observed Subject 1 fall backwards. Officer B stated that he fell over Subject 1 and rolled on the concrete against a brick wall, getting glass on his hand. Officer B stated that once he gained his composure, he handcuffed Subject 1 and patted him down and asked him if he was hit. Officer B stated that Subject 1 did not respond. Officer B stated that he observed Officer A pick up the gun and placed it in his waistband to secure it because a lot of "hostile" people were coming towards them. Some of these individuals were yelling and throwing things at them. Officer B stated that he looked over to the red car where the other individuals were but the car was gone. Officer B stated that Officer A handcuffed one individual that was in the red car. Officer B stated that he did not have his weapon out because he was chasing a person that was fleeing. Officer B stated that the incident occurred very quickly and he was focused on Subject 1. Officer B stated that he did not know Officer A's position because Officer B was in front of Officer A. Officer B stated that if Officer A had not shot Subject 1, he (Officer B) would be dead. (Att. 61).

In a **statement** provided to IPRA on 09 March 2012, **Officer A**, stated on 16 September 2008, he was working a one-man car and responded to a call to assist with a well-being check. He and Officer B, who was also working a one-man car, both responded to the well-being check. Officer A stated that once they completed the well-being check they were both returning to their vehicles when they heard shots fired nearby. Officer A stated that he got into his vehicle and went towards the direction of the shots. Upon arrival to the vicinity of 69th and Ashland, citizens flagged him down and told him that the offenders had just shot a man on Marshfield and they drove eastbound in a red vehicle. Officer A stated that he located the vehicle and pursued it with Officer B following behind him. Officer A observed the red vehicle weaving and traveling at a high rate of speed. Officer A stated that the red vehicle made a right-turn on Bishop at 69th Street. Knowing that 70th and Bishop contains a cul-de-sac and because he was driving fast and could not turn on Bishop, Officer A drove to 70th Street to cut the vehicle off. Officer A stated that when he arrived at the location where the red vehicle stopped he observed two doors open up. Officer A stated that he did not want to get too close because he believed someone had a gun, because of the prior shots he heard. Officer A stated that he observed all the occupants "split out," but he placed his attention on "[Subject 1's First Name]" because he was fumbling with his waist, like he had a gun.

Officer A observed Officer B come up Bishop, pass "[Subject 1's First Name]" in his vehicle and cut him off. Officer A observed Officer B jump out of the vehicle and grab "[Subject 1's First Name]" from behind, trying to throw him down. Officer A stated that he yelled to Officer B, "Hey, he got a gun, watch it [Officer B's last Name], he got a gun!" Officer A observed "[Subject 1's First Name]" turn to Officer B and at the same time he begin to pull a handgun from his waistband. Officer A stated that he yelled, "Hey man, don't make me shoot you, don't do it," but "[Subject 1's First Name]" pulled the gun out anyway. Officer A stated that Officer B still had his hand on "[Subject 1's First Name]." Officer A observed "[Subject 1's First Name]" turn around and face Officer B with the gun in his hand and his finger on the trigger, pointing it at Officer B's face. Officer A stated that he fired two rounds at "[Subject 1's First Name]"-- once in the chest and one in the leg. Officer A stated that Officer B and "[Subject 1's First Name]" hit the ground. Once on

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the ground, Officer A observed “[Subject 1’s First Name]” gun fall to the right of him. Officer A stated that he walked up to “[Subject 1’s First Name]” and placed handcuffs on him.

Officer A asked “[Subject 1’s First Name]” where he was hit, but he did not speak. Officer A observed the gunshot to Subject 1’s chest, so he called for an ambulance, secured the gun and asked Officer B if he was okay. Officer A stated that Officer B told him that he fell to the ground because he thought he was “gone.” Officer A stated that he checked Officer B to see if he was shot because he fell to the ground but Officer B told him that he was okay. Officer B was stunned for a moment. Officer A stated that there was a crowd of people hollering and saying, “You killed my mother fuckin’ boy! I’m gonna get you! I’m gonna kill your ass!” and began to throw bricks and things at them. Officer A stated that saw the other guy that was in the car with his hands up, saying, “Don’t shoot me! Don’t shoot me!” Officer A stated that he grabbed the other guy, put handcuffs on him and placed him next to Subject 1. Officer A stated that when he secured the gun he stuck it in his pants due to the crowd of people that was gathering. Officer A stated that one of the other offenders returned to the red car and took off with it during the incident. (Att. 62).

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CONCLUSION AND FINDING:

The use of deadly force by Officer A, was in compliance with Department policy. According to Chicago Police Department General Order No. 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 assisted in a well-being check with Officer B when numerous gun shots were heard. After learning from citizens about the shooting and its location, Officer A and Officer B observed a red vehicle with four black male subjects inside fleeing. The vehicle was curbed and a subject, now known as Subject 1, removed a gun from his waistband. Subject 1 was ordered to drop the gun and he ignored Officer A's orders. Subject 1 turned and faced Officer B and pointed the gun at his face. At that point, Officer A fired his weapon, striking Subject 1 twice. Officer A's actions were in accordance with the requirements of the Department's Use of Deadly Force policy. Officer A was reasonably in fear for his and his partner's life.