

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1020867/U #08-39

**INVESTIGATION**

**NUMBER:** Log #1020867/U#08-39

**INVOLVED**

**OFFICER:** “Officer A” (Chicago Police Officer); Male/White; 30 years old;  
On-Duty; In Uniform; Year of Appointment – 2002

**OFFICER’S**

**INJURIES:** None Reported

**SUBJECT:** “Subject 1”; Male/Black; 25 years old

**SUBJECT’S**

**INJURIES:** Gunshot wound to left big toe. Treated at Jackson Park Hospital.

**DATE/TIME:** 15 October 2008; 2012 hours.

**LOCATION:** 8010 S. Woodlawn Ave.  
Beat 411

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1020867/U #08-39

**SUMMARY OF INCIDENT:**

On 15 October 2008, at approximately 2012, Officers A and B, working Beat 423, responded to a call of an Attempted Robbery/Man with a Gun call at 8041 S. Dorchester. While driving to that location the officers heard a radio call of a person wanted for a robbery near 8100 S. Woodlawn. The description of the wanted offender was that he was a black male wearing a white hooded sweatshirt. Officers A and B observed a person matching that description in the alley in the vicinity of 8000 S. Woodlawn. Officers A and B drove into that alley and approached the, who turned and ran east. Officer A exited the squad car and chased the black male east through the rear yard at 8022 S. Woodlawn. The black male ran north on the west sidewalk of Woodlawn. As Officer A continued to chase the unknown male subject he saw a second male black subject (NKA Subject 1) standing in the parkway at 8001 S. Woodlawn. Subject 1 fired a handgun at the male black subject Officer A was chasing. Officer A stopped chasing the unknown black male and identified himself as a police officer to Subject 1. Officer A ordered Subject 1 to drop his weapon. Subject 1 did not drop the gun, and instead turned toward Officer A still holding the gun in his hand. Officer A discharged his firearm four times at Subject 1. Subject 1 then ran east on 80<sup>th</sup> St. to the alley between Woodlawn and Avalon. Subject 1 then ran south through the alley. Officer A radioed dispatch and provided Subject 1's description and his direction of flight. Numerous officers responded to the incident and Subject 1 was located and subsequently arrested in a vacant lot at 8030 S. Avalon. It was determined that Subject 1 had sustained a gunshot wound to the big toe on his left foot. An ambulance was requested and Subject 1 was transported to Jackson Park Hospital. Subject 1's firearm was found in the rear yard of 8008 S. Avalon. The black male in the white hooded sweatshirt escaped and was never identified.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1020867/U #08-39

**INVESTIGATION:**

In a statement to IPRA on 05 November 2008, Subject 1 stated that on the day of the incident he walking home from the store when an unknown black male approached him and showed him a black semi-automatic handgun. Subject 1 told him he did not have any money because he had just spent it at the store. The unknown black male had Subject 1 empty his pockets and then attempted to take Subject 1's mother's groceries. Subject 1 tried to stop him but the unknown black male cocked the gun and held it to Subject 1's head. The unknown black male took the groceries and left. Subject 1 went to his home and retrieved his .32 caliber handgun. Subject 1 then walked to 8000 S. Woodlawn and saw the known black male running down the street. As the unknown black male ran north on Woodlawn Ave. past Subject 1, who was standing next to a tree, Subject 1 fired his handgun at the unknown black male two or three times. Subject 1 heard something hit a gate near him and saw Officer A running north on Woodlawn Ave. about two houses behind the unknown black male. Subject 1 stated that he heard gunshots and realized that Officer A was firing his gun. Subject 1 stated that he immediately ran east on 80<sup>th</sup> St. Subject 1 stated that a bullet ricocheted off the ground and hit struck him on the big toe of his left foot. Subject 1 stated that he ran south through the alley and hid in a vacant lot on Avalon. About ten minutes later police officers found him. Subject 1 stated that he had thrown his gun away but the police found it as well. An ambulance was called and Subject 1 was transported to Jackson Park Hospital.

In a statement to the Roundtable Panel on 16 October 2008, CPD Detective 1,

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1020867/U #08-39

related that while conducting a canvass of the location of incident he spoke with Witness 1. CPD Detective 1 stated that Witness 1 told him that she was inside her home when she heard three gunshots. Witness 1 looked out the small window of her front door and saw Officer A holding a gun in his hand. Officer A pointed his gun towards the corner and repeatedly yelled, "Freeze! Get on the ground!" Officer A discharged his firearm four to six times towards the corner, but Witness 1 could not see what he was shooting at.

In a statement to IPRA on 16 October 2008, the witness, Witness 1, stated that on the night of the incident she was in her bedroom when she heard a male shouting outside her house. Witness 1 stated that she heard the male yelling, "Get the fuck down! Get on the ground!" Witness 1 ran downstairs and looked through the window of her front door. Witness 1 saw a male white officer (NKA Officer A) standing under a tree. Officer A held a gun in both hands and pointed it directly in front of him. Witness 1 stated that she saw approximately five "bright flashes" and heard the gunshots. Witness 1 told her children to get on the floor and she called "911" from her phone.

The Case, Arrest, and Tactical Response Reports contain accounts of the incident that were consistent with the accounts provided to the Roundtable panel and in the Summary of Incident. The reports indicated that on 15 October 2008 an unknown black male wearing a white hooded sweatshirt used a gun to commit three robberies at three different times at three different locations. The first robbery occurred at 0930 hours at 8045 S. Kenwood, during which the unknown black male approached and pointed a gun at Robbery Victim #1, who then ran away.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1020867/U #08-39

At approximately 1950 hours, at 1536 E. 83<sup>rd</sup> Pl., the unknown black male approached Robbery Victim #2 as he was entering his apartment building from the alley and displayed a black semi-automatic handgun. The unknown black male demanded money, but Robbery Victim #2 told him he did not have any money. The unknown black male then fled west on 83<sup>rd</sup> St.

At approximately 2005 hours at 8011 S. Dorchester, the unknown black male approached Robbery Victim #3, displayed a blue steel handgun, “racked the slide” with his left hand, and said to Robbery Victim #3, “Give me your money.” Robbery Victim #3, who was with his two-year old son, replied that he did not have any money. The unknown black male then said, “Alright. I’m not going to kill you in front of your shorty.” The unknown black male then walked west towards Avalon.

At approximately 2020 hours, at 230 E. 81<sup>st</sup> St., the unknown black male approached Subject 1, who was sitting on his front porch, and put a gun to Subject 1’s head. The unknown black male stated, “Give it up.” Subject 1 handed the unknown black male a bottle of Patron Tequila, a pack of cigarettes, and fifty cents. The unknown black male then fled.

The reports indicate that Officers A and B responded to the “911” calls of a robbery when they observed a black male matching the offender’s description in the west alley of the 8000 block of south Woodlawn Ave. When the officers approached the unknown black male, he ran. Officer A exited the squad car and chased him east through the gangway of 8026 S. Woodlawn Ave. Officer A continued to chase the unknown

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1020867/U #08-39

black male north on Woodlawn Ave. When Officer A reached 8101 S. Woodlawn he saw Subject 1, who was standing at 8001 S. Woodlawn Ave., firing a handgun at the unknown black male Officer A was chasing. After Officer A announced his office and ordered Subject 1 to drop his weapon. Subject 1 disregarded Officer A's orders, and instead of dropping his gun, Subject 1 turned toward Officer A still holding the gun. Fearing for his safety, Officer A discharged his firearm four times at Subject 1. Subject 1 ran east on 80<sup>th</sup> St. and assisting officers found him hiding in a vacant lot at 8030 S. Avalon. Subject 1's firearm was found in the rear yard at 8008 S. Avalon.

Upon being found in the empty lot Subject 1 told the officers, "I was robbed on the way back from the store. I ran back to my crib and grabbed my banger. I'm from around here. I went through the cut, and I saw him running. I upped my gun and I shot, Bang! Bang! (making a gesture with his right thumb and forefinger). I saw him still running then fired again, Bang! Bang! Then I saw the police chasing him. I didn't know the police was chasing him. I saw the tall white officer who had his pistol out yell, 'Police!' I panicked and ran with the gun." While at Jackson Park Hospital Subject 1 said to Officer C, "I would have gotten away if that cop didn't shoot me in the foot." And, "You'll never find that gun." Officer C asked, "What gun?" and Subject 1 replied, "A little 32 revolver." Officer C asked Subject 1 if he understood he had been Mirandized and Subject 1 replied, "Ya, but I wasn't firing at the cops."

Subject 1 sustained a gunshot wound to the big toe on his left foot. Subject 1 was arrested and subsequently charged with Unlawful Use of a Weapon by a Felon, Aggravated Assault to a Police Officer, Aggravated Discharge of a Firearm, and Issuance

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1020867/U #08-39

of a Warrant. It was also discovered that Subject 1 was on parole from the Illinois Department of Corrections for Second Degree Murder.

The Detectives Supplemental Report indicated that after Subject 1 was found hiding in the empty lot at 8030 S. Avalon and taken into custody he was walked to a police vehicle. When Chicago Fire Department personnel removed his left shoe a fired bullet fell to the pavement. Both the fired bullet and Subject 1's left shoe were left at the scene for processing.

Central Booking photographs of Subject 1 do not depict him to have sustained obvious injury.

The Office of Emergency Management and Communication PCAD Event Queries indicated that on 15 October 2008, at 2012 hours, [Male Phone Caller] telephoned "911" and told the call taker that he had been robbed of ten dollars by a black male, approximately nineteen to twenty years old, wearing a white hooded sweatshirt with a gun. [Male Phone Caller] told the call taker that the unknown black male was on 81<sup>st</sup> St., heading west toward Woodlawn Ave. At approximately 2020 hours, several telephone calls were made to "911" regarding the callers hearing multiple gunshots, and black males with guns, in the vicinity of 8000 S. Woodlawn. At approximately 2022 hours, Beat 423 (Officers A and B) notified OEMC that at 9100 S. Woodlawn a black male wearing a "brown hoodie" (NKA Subject 1) shooting at another black male in a "white hoodie." Beat 423 also notified OEMC that shots had been fired. At 2024 hours beat 423 notified OEMC that the black male in the "brown hoodie" was in custody, but that

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1020867/U #08-39

the black male in the “white hoodie” was “still out there.”

The Chicago Fire Department’s Ambulance Report stated that on 15 October 2008, at 2022 hours, Ambulance 24 was dispatched to 8000 S. Avalon for regarding a gunshot victim. At 2027 hours Ambulance 24 arrived at that location and found Subject 1, who was in police custody, with a gunshot wound to his left “big toe.” Subject 1 was examined and determined to be in stable condition. Subject 1 was transported to Jackson Park Hospital.

A canvass of the location of incident did not produce any additional witnesses or information.

Medical Records obtained from Jackson Park Hospital that Subject 1 sustained a gunshot abrasion to the big toe on his left foot. Subject 1 was treated and released in good condition.

A report from the Illinois State Police (“ISP”) Division of Forensic Services, dated 25 February 2009, indicates that Officer A’s firearm was examined and found to be in working condition. The report also indicates that the recovered fired bullet was examined and determined to have been fired from Officer A’s firearm.

An ISP report dated 03 June 2009 indicates that Subject 1’s revolver was loaded with two live cartridges and four discharged cartridge cases in the cylinder. Examination revealed no latent impressions suitable for comparison.



INDEPENDENT POLICE REVIEW AUTHORITY

Log #1020867/U #08-39

An ISP report dated 17 March 2009 indicates that the gunshot residue tests indicated that Subject 1 discharged a firearm, contacted a PGSR related item, or had his right hand in the environment of a discharged firearm.

An ISP Report dated 13 August 2010 indicates that Subject 1's firearm, a Harrington & Richardson, Model 732 Guardsman, .32 S&W revolver was examined and found to have been inoperable as received due to a broken hammer mainspring assembly. A hammer mainspring assembly from spare parts was used to test fire the firearm. Examination determined that all of the fired cartridges were fired from the revolver.

In a statement to the Roundtable Panel on 16 October 2008, Officer C, related that he and Officer D responded to a call of shots fired with a foot pursuit. Officers C and D went to 8100 S. Avalon and found Subject 1 hiding under some bushes in a nearby vacant lot. Subject 1 told Officer C that he was the victim of a robbery committed by the black male in the white hooded sweatshirt. Subject 1 told Officer C that he shot at the black male who robbed him four times before he saw Officer A. Officer C saw that Subject 1 sustained a gunshot wound to his toe and called for an ambulance. While being transported to the hospital Subject 1 told Officer C that "he would have got away if the police wouldn't have shot him."

In a statement to IPRA on 26 February 2009, Officer B stated that on the night of the incident he and his partner, Officer A, responded to a call of an armed robbery committed by a black male wearing a white hooded sweatshirt. Officers A and B saw a

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1020867/U #08-39

male subject matching that description in the alley near 8100 S. Woodlawn. When the officers approached the black male he ran through a yard. Officer A exited the squad car and chased the black male through the yard while Officer B drove north through the alley and then to Woodlawn. Officer B stated that he was attempting to follow the chase as Officer A called it out over the radio. Officer B drove south on Woodlawn and then drove east to Avalon Ave. When he reached 8000 S. Avalon Officer B heard several gunshots. Officer B turned around and drove west on 80<sup>th</sup> Street. Officer B saw the black male wearing the white hooded sweatshirt running west and a second black male (NKA Subject 1) running east. Officer B stated that Subject 1 was wearing a brown “hoodie” and was holding something in his hand. Subject 1 ran south through an alley. Officer B drove to Woodlawn Ave and heard Officer A on the radio saying that the black male in the brown “hoodie” was shooting at the black male wearing the white hooded sweatshirt. Officer B stated that he did not witness the shooting between Officer A and Subject 1.

Officer A related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident.

In a statement to IPRA on 19 February 2009, Officer A stated that on the night of the incident he and his partner, Officer B, responded to a call of an armed robbery committed by a black male wearing a white “hoodie.” Officer A stated that he and Officer B saw an unknown person that matched the description walking in the alley. As the officers approached the unknown black male ran away through a gangway. Officer A exited the squad car and chased the unknown black male. As he chased the unknown

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1020867/U #08-39

black male Officer A utilized his radio to update OEMC of the situation. Officer A chased the unknown black male from the alley to Woodlawn Ave. Officer A stated that as he chased the unknown black male he heard gunshots nearby. Officer A saw a man (NKA Subject 1) standing near the northeast corner of 8000 S. Woodlawn Ave. Officer A saw Subject 1 pointing and shooting a gun at the unknown black male. Officer A stated he immediately stopped while the unknown black male continued to run away and Officer A lost sight of the unknown black male after he ran west on 80<sup>th</sup> St. Officer A stated that he said to Subject 1, "Police! Drop the gun!" Officer A stated that he pointed his firearm at Subject 1 at the same time. Subject 1 turned towards Officer A while stilling holding his gun. Subject 1 did not drop his gun and Officer A discharged his firearm four times at him. Officer A explained that he fired his weapon because he feared for the safety of the unknown black male, as well as his own safety. Subject 1 immediately turned and ran away. Officer A stated that he chased Subject 1 and radioed OEMC of the shots fired. Officer A stated that he lost sight of Subject 1 after Subject 1 ran south through an alley. Officer A stated he searched the area, and a short time later he heard over the radio that other officers had found Subject 1.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1020867/U #08-39

**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 like to cause death or great bodily harm;
    - b. attempted 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 met the requirements of the Department's deadly force policy. Subject 1 stated that he retrieved a .32 caliber revolver from his home and then went looking for the unknown black male that had robbed him earlier in front of his home. Subject 1 stated that he saw the unknown black male running down the street being chased by Officer A. Subject 1 stated that he aimed and repeatedly discharged his revolver at the unknown black male. According to Subject 1, he ran away when Officer A began shooting at him. Subject 1 also stated that he threw his revolver away, taunting the police officers who took him into custody that they would never find his gun.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1020867/U #08-39

Officer A provided an account that was consistent with Department reports and Subject 1's account. Officer A stated that as he chased the unknown black male he saw Subject 1 shooting the same unknown black male. Officer A stated that he discharged his firearm at Subject 1 fearing for his own safety and the safety of the unknown black male.

It was reasonable that Officer A feared his safety, as well as the safety of the unknown black male, after he witnessed Subject 1 shooting at the unknown black male, and that Subject 1 did not drop his revolver when so ordered to by Officer A.