

Independent Police Review Authority
Log #1023165/ U #09-02

INVESTIGATION

NUMBER: Log#1023165/ U #09-02

OFFICER

INVOLVED: “Officer A” (Chicago Police Officer); Male/White; 32 years old;
On Duty; Civilian Dress; Year of Appointment – 2004

OFFICER’S

INJURIES: None

SUBJECT: “Subject 1”; Male/White Hispanic; 24 years old

SUBJECT’S

INJURIES: Non-fatal. One gunshot wound to the upper left abdomen.

INITIAL

INCIDENT: Search Warrant

DATE/TIME: 16 January 2009, 1047 hours

LOCATION: XXX W. 18th Place

SUMMARY OF INCIDENT:

On 16 January 2009, at approximately 1045 hours, CPD Sergeant A, along with his Tactical Team and other 009th District personnel went to XXX W. 18th Place to execute a search warrant. Entry officers knocked and announced their office and upon receiving no response from inside the residence, made a forced entry through the front door. Officer B entered the residence and encountered two occupants, now known as Witness 1 and Witness 2. As Officer B engaged Witness 2 and was attempting to secure him, Officer A moved around them into the front room. Officer A observed the fabric¹ that was covering the doorway of a bedroom be pushed to the side and Subject 1 appeared pointing a handgun at Officer B and then moving the gun in the direction of Officer A. Officer A fired his weapon one time striking Subject 1 in the upper left abdomen. Subject 1 was transported to Stroger Hospital by a CFD Ambulance.

¹ This fabric was described interchangeably as a sheet, drape, cloak or curtain in statements and reports.

INVESTIGATION:

In his **Report of the Weapons Discharge Incident Involving a Sworn Member** dated 16 January 2009, Acting Incident Commander A related that Operations Command notified him that the incident occurred at XXX W. 18th Place in the 012th District. Acting Incident Commander A responded to the scene and interviewed a number of police personnel including the 009th District Watch Commander Capt. A, and Officer A.

Acting Incident Commander A learned that on 16 January 2009, at approximately 1045 hours, CPD Sergeant A along with his Tactical Team and other 009th District personnel went to XXX W. 18th Place to execute search warrant 09SW4201. Entry officers knocked and announced their office. Upon receiving no response from inside the residence the officers used force to enter through the front door. Officer B encountered two occupants, now known as Witness 1 and Witness 2. Officer B engaged Witness 2 to secure him. Officer A moved around them and upon moving into the front room Officer A observed the drape that was covering the doorway of a bedroom be pushed to the side. Officer A observed the offender, now known as Subject 1 appear pointing a handgun at Officer B and then moving the gun in the direction of Officer A. Officer A fired his weapon one time in defense of his life and that of his partner.

Subject 1 was struck and fell back into the bedroom. CPD Sergeant A entered the bedroom and kicked the gun away from Subject 1's reach. CPD Sergeant A and another officer secured Subject 1. CFD was requested, responded and transported Subject 1 to Stroger Hospital. Acting Incident Commander A's report further documented that Officer A's weapon was processed and would be inventoried by the Crime Lab. One fired cartridge was recovered at the scene along with Subject 1's weapon.

In the **Preliminary Investigation Report** completed by IPRA Investigator A, it is reported that during the execution of a search warrant, the victim/offender, Subject 1, was shot once in his upper left abdomen.

During the **Roundtable Panel** on 16 January 2009, the following individuals provided narratives, in summary:

Witness 1 related to the Roundtable Panel that she was in the living room with her father, Witness 2 watching television. Subject 1, was sleeping in the bedroom off of the living room. Witness 1 heard banging on the front door which caused her daughter to wake up. Witness 1 started walking towards the kitchen but heard the officers enter the vestibule area then the officers were in the living room. Witness 1 heard the officers yell, "Chicago Police and get down." Witness 1 related that she began walking backward toward the kitchen when she observed Subject 1, use the gun he was holding in his hand to move the hanging bed sheet to one side from inside the bedroom. Subject 1 then held his gun with both hands and pointed it at an officer, who told him to drop it. Subject 1 turned and the officer fired one shot at him. Subject 1 said "I'm shot." The officer who fired told Witness 1 to stay back. A female officer entered from the rear of the apartment and Witness 1 lay on the kitchen floor.

Witness 1 continued that approximately four days before the incident, Subject 1 had shown her his gun. Subject 1 told her not to go into his bedroom, where he had hidden the gun under a mattress. Subject 1 told Witness 1 that he had the gun for protection because gang bangers had shot at him at 19th and Peoria and burned his car approximately four months prior.

Witness 2 related to the Roundtable Panel that he and his daughter were watching television in the living room when the incident occurred. Subject 1 was sleeping in the front bedroom and his granddaughter was sleeping in the rear bedroom. Witness 2 was sitting on the couch when he heard banging on the front door. Witness 2 thought it was the sound of “gang bangers” forcing their way in because of recent problems Subject 1 had with gang members. Witness 2 related that he did not hear anyone yell “Chicago Police.” Witness 1 tried to hold the inner door shut. The officers entered the living room and Witness 2 saw badges on the officers.

An officer told Witness 2 to get up from the sofa and get on the floor. While on the floor Witness 2 observed a few officers walk by. Witness 2 then heard a gunshot and saw a shell casing on the floor, approximately two feet from his face. An officer placed Witness 2 on the couch and later led him to the kitchen.

Witness 2 related that he did not hear an officer say, “Drop the gun.” Witness 2 felt that his son had not come into the living room armed with the gun because after the incident, he saw the bed sheet still hanging over and covering the bedroom entrance. Witness 2 related that he did not see what led up to the shooting, did not see Subject 1 come out of the bedroom, did not see Subject 1 just before he was shot and did not witness the shooting as he was lying on the floor.

Witness 2 related that he had seen Subject 1’s black gun three or four months prior to the incident. Witness 2 related that he had also seen a second, “little” gun in the rear bedroom.

Witness CPD Sergeant A related to the Roundtable Panel that he was part of the point team of officers. While on the outside landing and before knocking on the door, the officers repeatedly said, “Police officers, search warrant.” The breach officer, Officer B, opened the first door and then forced open the second door. A female tried to keep the inner door to the first floor apartment closed. Officer B pushed the door and the female back. The officers said, “Police officers, search warrant,” while in the vestibule and during the entry of the apartment.

Witness CPD Sergeant A continued that when he entered the living room, he observed a male, Subject 1, open a drape covering the entrance to a bedroom on the west side of the living room. Subject 1 was holding a gun. Officer A, in fear of his life, fired one shot at Subject 1 who then backed into the bedroom. The drape over the entrance closed. Officer A stepped back. CPD Sergeant A entered the bedroom and observed Subject 1 slouched in a chair in the bedroom. Subject 1 had blood on the left side of his trunk and was reaching for his pistol. CPD Sergeant A kicked the pistol out of Subject

1's reach and into a corner of the bedroom. Subject 1 was handcuffed and CPD Sergeant A secured the area and made notifications.

CPD Sergeant A did not hear anyone say, "Drop the weapon," before Officer A fired. After the shooting, CPD Sergeant A learned about Officer A's magazine falling out of his pistol. CPD Sergeant A did not hear Subject 1 say anything during the incident. CPD Sergeant A was a couple of feet from Subject 1 when the shooting occurred.

Witness Officer B related to the Roundtable Panel that when he knocked on the front door of the residence, he and other officers yelled, "Chicago Police, search warrant!" Officer B forced open the locked front door and went to his left to the inside front door of the first floor apartment. That door opened and Officer B saw a female coming toward him. Officer B told the female to get back as he repeated, "Chicago Police, search warrant." The female went back inside the apartment. Officer B told her to stay down. Officer B saw a male in the living room and announced again that he was there to serve a search warrant. Officer B placed the male onto a love seat that was next to the opening of the front bedroom.

Officer B said that he was getting ready to handcuff the male on the love seat when he looked down and to his left. Officer B saw the curtain over the bedroom open and a male, Subject 1, point a black object at him. Officer B yelled, "Gun!" Subject 1 quickly swung the object and Officer A fired one round. Subject 1 fell back into the bedroom, past the curtain, which closed. Officer B and CPD Sergeant A entered the bedroom and Officer B observed Subject 1 sitting on a chair. Officer B and CPD Sergeant A secured the room.

Officer B continued that Officer A stood south of him when he fired. Officer B related that the artificial light in the apartment provided enough light to see clearly. Officer B did not hear anyone say, "Drop the weapon," and did not recall hearing Officer A say anything before he fired the shot. Officer B did not hear Subject 1 say anything.

Involved Officer A related to the Roundtable Panel that he was the second officer in the five-person "stack" for the "tactical entry" into the front of the residence. Officer A said that the officers knocked on the outside security door but received no answer. The second door was locked. When no answer, Officer B used a battering ram to open the second door. A female opened the inside apartment door. Officer B dropped the battering ram, escorted the female to a couch and placed a male who was in the apartment on the love seat in the living room. Officer A went behind Officer B to the middle of the living room to secure the room.

Officer A continued that he saw the "curtain" hanging over the opening to the bedroom on the west side of the living room. Officer A saw the curtain move. Subject 1 used his left hand to open the curtain while he held a blue-steel handgun in the right hand. Subject 1 did not enter the living room. He remained within the door frame of the bedroom. Officer A said he did a "double-take." Officer A raised his pistol and fired

once at Subject 1, who moved back and sat on a chair in the bedroom. The magazine fell out of Officer A's pistol. Officer A backed up in the living room for cover. There was enough light inside the apartment to allow him to see clearly.

Officer A related that he and the other officers, including the two behind him in the "stack," yelled, "Police, search warrant," twice as they entered the apartment. The officers wore their stars and Police Department raid jackets imprinted with CPD insignia.

Officer A stated that he did not say anything to Subject 1 before shooting him but did think to himself, "Holy shit, he has a gun pointed at me." Officer A did not hear anyone, including Subject 1, say anything during the incident. Officer A was approximately five feet from Subject 1 when he fired at him.

CPD Detective 1 related to the Roundtable Panel that he went to Stroger Hospital to speak with Subject 1 who was transported by Ambulance 28 and was being treated in Bed 7 in the emergency room. Subject 1 sustained one gunshot wound in the upper left abdomen. There was no exit wound. Subject 1 was x-rayed and was taken to surgery after CPD Detective 1 interviewed him.

CPD Detective 1 stated that he spoke with Subject 1 at approximately 1140 hours. Subject 1, who was intubated during the interview, waived his Miranda rights. Subject 1 related to CPD Detective 1 that at the time of the incident, he was sleeping in his bedroom. Subject 1 heard banging at the front door and someone screaming and yelling. Subject 1 grabbed a gun and opened the bedroom curtain with his left hand. Subject 1 pointed his gun at "strangers" in the living room. Subject 1 heard someone yell at him and then heard a shot.

Subject 1 dropped his gun. Subject 1 recognized the officers as "narcs." Subject 1 did not tell CPD Detective 1 that he saw the officers' raid jackets and did not say he heard anyone say, "Police," during the incident.

CPD Detective 1 related that Subject 1 told him that he had only a gun and a little "weed" in the apartment. Subject 1 said he had bought the 9mm pistol for \$500 USC on 26th Street from a Hispanic male. Subject 1 needed the gun for protection because of past problems he had with the Ambrose street gang. Ambrose members had set Subject 1's Cadillac on fire on 10 October 2008 near his residence and fired shots at him during another incident.

CPD Detective 2 related to the Roundtable Panel that the search of the apartment resulted in the recovery of a fired cartridge casing from the center of the living room floor. An officer had picked up the casing to protect it and placed it on the television. Other evidence recovered included four bags containing an unknown amount of USC; two bricks of suspect cocaine recovered in the kitchen; a .25 cal. pistol found in the rear bedroom; a safe found in the corner of the rear bedroom; Subject 1's 9 mm pistol, which had a round in the chamber and 16 live rounds in the magazine; a small amount of suspect cannabis and cocaine; a scale; and 25 small knotted bags containing suspect

cannabis. The contents of the safe included a bag of ammunition, a pistol magazine and identification for Subject 1.

In a statement to IPRA on 16 January 2009 **Witness 2**, stated that at the time of the incident he was at home watching television in his living room. Witness 2 related that his daughter, Witness 1 was sitting on a couch next to the entrance of the first bedroom and Subject 1 was sleeping in the front bedroom. Witness 2 related that he heard a loud “bang” at the front of his house and thought it may have been gang members. Witness 2 stated that approximately four months prior to this incident several gang members burned Subject 1’s vehicle.

Witness 2 related that the door of the apartment opened and Witness 1 attempted to keep the door closed. Witness 2 stated that approximately ten officers entered his apartment. Witness 2 stated that he saw police insignia on their jackets. Witness 2 contended that he did not hear anyone state, “Police” or anything similar prior to hearing the loud banging sound.

Witness 2 stated that the police directed him and Witness 1 to get on the floor and they complied. Witness 2 related that he heard a gunshot but did not hear his son nor the police say anything prior to the gunshot. Witness 2 related that he observed the paramedics take Subject 1 out of the bedroom on a stretcher.

In a statement to IPRA on 16 January 2009 **Witness 1**, stated that as she walked from the kitchen area to the living room she observed two male white officers in plainclothes with their badge displayed on their vest, burst into the house and state words to the effect of, “Chicago Police, get down.” Witness 1 related that the officer’s guns were drawn and pointed forward. Witness 1 stated that her brother, Subject 1, came out of his room with his gun in his hand and pointed at the officer. Witness 1 related that the officer told Subject 1 to drop his weapon. Witness 1 related that the officer then shot Subject 1. Witness 1 stated that Subject 1 dropped his weapon, stated that he had been shot and went back inside his bedroom. Witness 1 related that after the shooting more officers entered the residence, the ambulance arrived and took Subject 1 away from the scene.

Subject 1, refused to cooperate with IPRA and provide a statement.

The **Arrest Report** documented that Subject 1, was arrested and charged with two counts of Possession of Controlled Substance, three counts of Possession of Cannabis, two counts of Aggravated Assault/Officer, two counts of Unlawful Use of Weapon, two counts of Firearm without Valid FOID and two counts of Unregisterable Firearms. It is reported that during the execution of a search warrant the reporting officers announced their office and entered the residence. Once inside the residence the victim/offender, Subject 1 exited a bedroom and pointed a handgun at Officer B and the pointed the same handgun at Officer A. Subject 1 was placed into custody.

The **General Offense Case Report** documented that the reporting officers monitored a call of “Shots fired by police,” at the location of the incident. Upon arrival the reporting officers learned that Beat 961 team was executing a search warrant at the location of the incident. The officers announced their office and gained entry to the residence at which they attempted to secure the premises. The officers were confronted by the offender, Subject 1, who pointed a black steel semi-automatic handgun at the officers. Officer A, fearing for his life and the life of other officers, fired one shot striking the Subject 1 EMS was notified and Subject 1 was transported to Stroger Hospital.

The **Case Supplementary Report** documented that during the course of the investigation into the Assault/ Aggravated P.O. Handgun, CPD Detective 5, CPD Detective 1, CPD Detective 6, and CPD Detective 7, interviewed the victim/offender, witnesses and involved members. CPD Detective 1 and CPD Detective 5 spoke with Subject 1, who stated that he was inside his bedroom when he heard banging on his door as well as screaming and yelling coming from his living room. After hearing the noise Subject 1 grabbed his gun and went to see who was at the door. Subject 1 stated that as he walked to his bedroom doorway and moved the curtain, which was covering the doorway, with his left hand and pointed his gun into the living room with his right hand.

Subject 1 stated that as he was pointing his weapon into the living room he observed strangers in his house. Subject 1 related that as he was pointing his gun at the strangers they turned towards him and started shouting at him. Subject 1 related that he then heard a gunshot and felt pain in his stomach area. Subject 1 stated that he then realized that the strangers were “narcs” which Subject 1 explained was a term he used to describe undercover police officers. Subject 1 stated that after he got shot he fell back into the bedroom and dropped his gun to the ground. Subject 1 also stated that after being shot he informed the police that besides the gun he also had in his possession a small amount of weed in the house.

Subject 1 explained to CPD Detective 1 that he bought the Smith and Wesson 9mm handgun from a Hispanic male on 26th Street in Chicago. Subject 1 also stated that he needed the weapon because the Ambrose Street Gang burned out his car and shot at him about two weeks prior. CPD Detective 1 concluded the interview due to emergency personnel in the hospital providing additional care to Subject 1’s injury.

CPD Detective 3 interviewed Witness 1 who stated that she was aware that her brother Subject 1 had a gun in his possession as he warned her in the past to keep her daughter out of his room. Witness 1 stated that on the date and time of the incident she heard knocking and yelling at the front door. As Witness 1 was walking to answer the front door, the door suddenly opened and several police officers entered her home. Witness 1 related that she could tell they were police because they were all wearing black vests that said “Police” and each officer had their badge hanging around their necks. The officers directed Witness 1 to sit on the couch.

As the police entered the home Subject 1 appeared from behind the bed sheet that covers his bedroom doorway. Witness 1 related that Subject 1 was holding a gun with both hands and was pointing the gun at the police. Witness 1 heard the officers yell, "Drop the gun," but Subject 1 kept pointing the gun at the police. Witness 1 related that she then heard a gunshot. After the gunshot Subject 1 fell back into his room and into a chair. Witness 1 related that she thinks she heard the gun Subject 1 was holding fall to the ground.

CPD Detective 4 interviewed the Witness 2, who stated that on the date and time of the incident he was watching television in the living room when he heard loud noises and yelling coming from the front door/hallway area. Witness 2 related that when Witness 1 went to the door several police officers entered the residence. Witness 2 knew that they were police officers because they were wearing vest that said "Police." Once the police came inside they placed Witness 2 on the floor face down. Moments later Witness 2 heard a gunshot and at that point a shell casing landed next to his head. Witness 2 did not witness anything further.

[Male Name Withheld] was interviewed by an Area 4 detective. [Male Name Withheld] stated that he is the brother of Witness 2, and resides on the second floor of the location of incident. [Male Name Withheld] related that he was inside his residence and did not witness the incident.

[Female Name Withheld] was interviewed by CPD Detective 5. [Female Name Withheld] related that on the date and time of the incident she was inside [Male Name Withheld]'s apartment and did not witness the incident.

During his interview with the Reporting Detectives (RD), CPD Sergeant A related that he and his team was conducting a search warrant on the 1st floor residence. After knocking, announcing and receiving no response from within the residence CPD Sergeant A and his members made entry to the 1st floor apartment. Upon entry they secured a male and female occupant and was then met Subject 1 CPD Sergeant A stated that Subject 1 emerged from within a bedroom and pointed a handgun at his officers. Officer A then discharged his weapon at Subject 1 striking him on the left side of his abdomen. After being struck by gunfire Subject 1 fell back into the bedroom.

CPD Sergeant A indicated that he immediately pulled the curtain from the door jamb and entered the bedroom where he secured the weapon, contacted OEMC and requested an ambulance for the offenders, secured the overall scene and made the appropriate notifications.

During his interview with the RD, Officer B related that on the date, time and location of the incident he was working with his partner Officer A in civilian dress and wearing a CPD Raid vest. Officer B stated that his team conducted a search warrant for cannibas. Officer B related that he, Officer A, Officer D, Officer C, Officer E, Officer I and Officer J mobilized in the front of XXX W. 18th Place and Officers Officer G, Officer F, Officer K and Officer H secured the rear of the same location.

Officer B stated that he was the first officer to make entry. Officer B forcefully knocked on the door and yelled, "Chicago Police, Search Warrant" numerous times and no one answered the door. Officer B made entry through the solid core wooden front door with a "Chicago bar" and then proceeded into a small vestibule area. Once inside the vestibule area, Officer B stated that he continued to yell, "Chicago Police, Search Warrant." Officer B entered the remaining interior wooden door and entered the living room of the residence identified in the warrant. Officer B remained the lead officer during the entry and Officer A was behind him, followed by CPD Sergeant A and Officer D and Officer C.

Officer B related that once he made entry he was met by an adult female and an adult male. Officer B stated that he secured the female on the couch located on the east wall and the male on the love seat on the west wall. While securing the male individual, Officer B observed Subject 1 appear to his left from a side bedroom doorway that was adjacent to the living room. Officer B explained that when he first glanced in that direction he did not see anyone because the bedroom doorway was covered with a bed sheet.

Officer B related that the moving bed sheet caught his attention and he observed Subject 1 holding a hand gun in his right hand, pointed in Officer B's direction. Subject 1 then fanned the weapon from left to right across the room and pointed the handgun at Officer A. Officer B yelled, "Gun," upon first seeing Subject 1. Officer B heard a single gunshot and observed Subject 1 fall backwards into the bedroom and out of sight due to the bed sheet on the doorway. CPD Sergeant A tore the sheet from the doorway, entered the bedroom and secured Subject 1. Officer B observed CPD Sergeant A kick the handgun away from Subject 1. Officer B related that EMS was requested and the crime scene was secured.

During his interview with the RD, Officer A related that he was on-duty, civilian dressed, and wearing a CPD Raid vest with his partner Officer B. Officer A stated that he and his tactical team were conducting a search warrant at XXX W. 18th Place. Officer A gave the same information as Officer B regarding the location of each officer at the location of the incident.

Officer A related that he, Officer B and CPD Sergeant A lined up outside the front door and knocked on the wood door and yelled, "Chicago Police, Search Warrant." After not receiving an answer Officer B used a "Chicago Bar" to pry open the door to make an entry in the vestibule area. Officer A explained that as the officers made entry he was the second to enter and repeatedly yelled "Chicago Police, Search Warrant," as his team entered the apartment. Officer A observed Officer B engage in a verbal direction with a female and a male while in the living room area.

Officer A stated that as he continued to clear the living room he saw Subject 1 appear from a room in which the doorway was covered with a bed sheet. Officer A related that Subject 1 moved the bed sheet with his left arm and stood in the door jamb

pointing a handgun at Officer B and then at Officer A. Being in fear of his life and the lives of other officers, Officer A discharged his weapon one time striking Subject 1 once in the upper left abdomen. Officer A observed Subject 1 fall backwards into the bedroom. Officer A stated that after firing his weapon his weapon malfunctioned and the magazine dropped from his gun and fell to the floor.

After realizing his weapon malfunctioned, Officer A took cover, yelled "Gun" and recovered the magazine and placed it back into his weapon. Officer A observed CPD Sergeant A and Officer B enter the bedroom area. Officer A related that CPD Sergeant A call for an ambulance.

During his interview with the RD, Officer D stated that on the date, time and location of the incident he was working in plain clothes and wearing a CPD Raid vest with his partner Officer C. Officer D related that he was the fourth officer to enter the location of the incident.

Officer D related that he heard and observed Officer B pound on the door while yelling, "Police search warrant." After receiving no response he observed Officer B gain entry. Officer D stated that after gaining entry to the apartment he heard Officer B yell, "Gun" and then heard one gunshot. Officer D related that he continued to enter the residence after the gunshot and aided in securing the scene. Officer D heard CPD Sergeant A contact OEMC and request an ambulance.

During his interview with the RD, Officer C related that he wore plain clothes and a CPD Raid vest on the date, time and location of the incident. Officer C related that he was the fifth officer to enter the location of the incident. Officer C related and he and the other entry officer continuously yelled, "Chicago Police search warrant," after gaining entry to the residence. Officer C related that he was standing on the front steps of the building when he heard a gunshot. Officer C stated that he continued to enter after the gunshot and aided in securing the scene.

During their interviews with the RD, Officer I and Officer J indicated they were positioned in front of the building during the execution of the search warrant. Officer I and Officer J indicated that their duties consisted of front security. Officers Conway and Officer I related that they observed Officer B, Officer A and CPD Sergeant A, yell "search warrant" and then make forced entry after not receiving a response. Officer I and Officer J stated that their partners yelled, "Chicago Police, search warrant as they entered the residence and then heard a gunshot. Officer I and Officer J entered the residence after the gunshot to aid in securing the scene.

During their interviews with the RD, Officer H, Officer K, Officer F, Officer G and Officer E indicated that they assisted in the search warrant at the location of the incident and were assigned to the rear exterior of the building. Each officer wore civilian dress and a CPD Raid vest, except for Officer E who was dressed in full CPD prescribed uniform. The officers indicated that they could hear fellow officers forcefully knocking on the front door and yelling, "Chicago Police, search warrant" and then shortly

thereafter they heard a gunshot. Officer H, Officer K, Officer F, Officer G and Officer E immediately made entry into the residence via the rear door to assist in securing the scene.

The **Tactical Response Report** completed by Officer B, documented that Subject 1 was an assailant who presented an imminent threat of battery, possessed a weapon, and attacked with a weapon. Officer B responded with member presence and verbal commands. In the narrative of the Watch Commander comments it was reported that Officer B was a victim of an Aggravated Assault when the subject pointed a handgun at Officer B during the execution of a search warrant.

The **Officer's Battery Report** documented that while executing a search warrant a White Hispanic male offender pointed a 9mm semi-automatic weapon at Officer B. Officer B did not sustain any injuries.

The **Tactical Response Report** completed by Officer A, documented that Subject 1 was an assailant who presented an imminent threat of battery and attacked with a weapon. Officer A responded with member presence, verbal commands and firearm. In the narrative of the Watch Commander comments it was reported that while executing a search warrant, the subject pointed a handgun at Officer B and Officer A. Officer A fired one time and struck the offender, neutralizing the threat posed by the armed subject.

The **Officer's Battery Report** documented that while executing a search warrant a White Hispanic male offender pointed a 9mm semi-automatic weapon at Officer A. Officer A did not sustain any injuries.

According to **Search Warrant 09SW4201** Officer J obtained information from a cooperating individual, "J. Doe," who related that he purchased cannabis from Subject 1 on 14 January 2009, at XXX W. 18th Place, 1st Floor. Officer J obtained the approved search warrant on 15 January 2009, giving him permission to search and seize: Subject 1, Cannabis, paraphernalia used in the weighing, cutting or mixing of illegal drugs, any money and records detailing illegal drug transactions. The search warrant also included a not-to-scale map of an apartment.

According to the search warrant data, officers had the following assignments: Officer J – affiant; Officer B – breach; Officer A, Officer H and Officer I – entry; CPD Sergeant A – evidence supervisor and supervising search sergeant; Officer K – perimeter, and; Officer C and Officer D – security.

The **Office of Emergency Management and Communication** documented the notification at 1047 hours of shots fired by police and the request for EMS at XXX W. 18th Place. It was reported that the offender was transported to John Stroger Hospital.

The **Crime Scene Processing Report #72972** documented that Subject 1's was identified as the possible suspect in an aggravated assault to a peace officer with a handgun. Relevant digital crime scene photographs were obtained of the following:

interior of the 1st Floor apartment at XXX W. 18th Pl.; offender's weapon on the floor of front bedroom; white cloth from doorway on couch in living room, and; recovered weapon from box in rear bedroom.

Subject 1's weapon, a Smith and Wesson 9mm semi-automatic pistol, 4 ½" barrel, black mat finish with black grips, Serial Number PAD7994, was recovered on the scene and inventoried under number 11555614. Another weapon, a Raven Arms, Model #MP-25, 25 caliber, semi-automatic pistol, 2 ½" barrel, chrome finish with white plastic grips, Serial Number 1826024, was recovered on the scene and inventoried under number 11555645. Officer A's weapon, a Sig Sauer, Model P226, 9mm, semi-automatic pistol, 4" barrel, brushed stainless with black grips, Serial Number U681784, was recovered on the scene and inventoried under number 11555596.

The related **Evidence Technician Photographs** depict images of the interior of a residence, including a bedroom with graffiti-covered walls and a Smith & Wesson pistol on the floor. Photographs also captured images of a small, white-handled .25 caliber pistol inside an Office Depot box. The photographs also depict a shell casing and a torn white cloth.

The **Crime Scene Processing Report, #72979** documented that photographs were taken at 3151 W. Harrison St. of the fronts and backs of Officer A, Officer B, Officer D, Officer C and CPD Sergeant A.

The related **Evidence Technician Photographs** depicted photos of the front and back of five male police officers; no injuries were visible. Each officer wore a pair of blue jeans, and sweatshirts, over which they wore black mesh vests with "CHICAGO POLICE" in large white letters on both the front and back.

An **ISP Report**, dated 11 August 2009 documented that Inventory Number 11555614, a Smith & Wesson, model SW9F, 9mm Luger caliber semiautomatic pistol, Serial Number PAD7994², was examined and revealed that no blood was indicated and was found to be in firing condition.

The **Chicago Fire Department Ambulance Report** documented that paramedics responded to XXX W. 18th Place on 16 January 2009, at approximately 1055 hours. It was reported that Subject 1, had been involved in a police shooting and was being placed under arrest. It was also reported that when Subject 1 pulled a gun out on CPD, the officer fired, striking Subject 1 in the left upper abdomen; no exit wound was noted. Subject 1 was transported to Cook County Hospital (John Stroger Hospital).

Stroger Hospital Medical Records documented that Subject 1 was diagnosed with a gunshot wound to left upper quadrant and a gunshot wound to transverse colon/multiple gunshot wound to jejunum. There were no exit wounds as the bullet was lodged in the left posterior. Subject 1 sustained injury to his colon, small intestine and kidney from the single bullet.

² The pistol recovered from the floor of Subject 1's bedroom.

Court Records document that Subject 1 was charged with eight felony counts. On 11 October 2012, he pled guilty to Felon Possess/Use of Firearm and Aggravated Assault of an Officer with a Firearm and was sentenced to two years in the Illinois Department of Corrections.

In his statement to IPRA on 08 April 2011, **witness Officer C** related that he responded to XXX W. 18th Street on 16 January 2009 to execute a search warrant with several officers. Officer C related that several officers in front of him knocked on the door and announced their office. Officer C stated that the door was breached and several officers in front of him entered the residence. As Officer C approached the doorway of the residence he heard a gun shot. Officer C related that he was the 5th person to enter the front door of the residence, therefore he did not witness Officer A discharge his weapon.

Officer C stated that while inside the residence he and the other officers secured the scene and Subject 1's parents. Officer C related that when he arrived inside the residence he observed Subject 1 inside a bedroom sitting on a chair. Officer C stated that he did not observe a weapon in Subject 1's hand. Officer C related that a weapon was recovered from the floor of the same bedroom where Subject 1 was located.

In his statement to IPRA on 08 April 2011, **witness Officer D** related that he responded to XXX W. 18th Street on 16 January 2009 to execute a search warrant with several officers. Officer D related that he entered the residence and witnessed Officer B detaining Witness 2. Officer D stated that he observed Subject 1 come from behind a sheet that was used as a door to a bedroom. Subject 1 armed with a weapon. Officer D heard Officer A yell, "Gun." Officer D related that Officer A discharged his weapon once. Officer D stated that after Officer A discharged his weapon Subject 1 fell back behind the sheet and landed on a chair inside the bedroom. Several officers entered the bedroom. Officer D observed the weapon, previously held by Subject 1, lying on the floor next to Subject 1.

In his statement to IPRA on 15 April 2011, **witness Officer E** related that he responded to XXX W. 18th Street on 16 January 2009, to execute a search warrant with several officers. Officer E related that he was positioned as the guarding officer in the front of the residence. Officer E stated that he stayed outside the residence while the other officers entered the residence. Officer E related that the officers knocked and announced that they were Chicago Police before entering the residence. Officer E then heard a gunshot coming from the inside of the residence. Officer E entered the residence and observed Subject 1 in a bedroom. Officer E stated that he observed a weapon inside the bedroom with Subject 1. Officer E was informed that Officer A discharged his weapon and struck Subject 1.

In her statement to IPRA on 15 April 2011, **witness Officer F** related that she responded to XXX W. 18th Street, on 16 January 2009, to execute a search warrant with several officers. Officer F related that she and Officer G were guards for the rear of the residence. Officer F stated that while standing in the back yard she heard via radio that

shots had been fired inside the residence. Officer F related that she had not heard any shots fired. Officer F stated that at some point, entry was gained to the residence. Officer F related that while inside the residence she observed the paramedics taking Subject 1 out of the residence. Officer F did not see a weapon inside Subject 1's bedroom.

In his statement to IPRA on 21 April 2011, **witness Officer G** related that he responded to XXX W. 18th Street, on 16 January 2009, to execute a search warrant with several officers. Officer G related that he and Officer F were positioned at the rear of the residence as security officers during the execution of the search warrant. Officer G stated that while standing outside he heard, via radio transmission, that shots had been fired inside the residence. Officer G stated that he was unsure as to what he observed after he gained entry to the residence.

In his statement to IPRA on 03 May 2011, **witness Officer H** related that he responded to XXX W. 18th Street, on 16 January 2009, to execute a search warrant with several officers. Officer H related that he was the security officer in the rear of the residence. Officer H stated that he was in the backyard for approximately three to four minutes prior to gaining access to the residence. Officer H related that an officer opened the rear door and he entered the residence. Officer H stated that when he entered the residence he observed Subject 1 sitting on a chair inside a bedroom, holding his mid-section. Officer H related that he did not hear any gun shots, but was informed by an officer on the scene that Officer A discharged his weapon.

In his statement to IPRA on 03 May 2011, **witness Officer I** related that he responded to XXX W. 18th Street, on 16 January 2009, to execute a search warrant with several officers. Officer I related that he was positioned in the front of the residence towards the end of the stack of officers. Officer I stated that he witnessed Officer B breach the front door of the residence. Officer I related that while securing the outside of the residence he heard a shot come from inside the residence. Officer I entered the residence and observed Subject 1 in a bedroom. Officer I was informed that Officer A shot Subject 1.

In a statement to IPRA on 03 May 2011, **witness Officer J** related that he responded to XXX W. 18th Street, on 16 January 2009, to execute a search warrant with several officers. Officer J related that he was positioned in the front of the residence. Officer J stated that several officers knocked on the front door and announced their office. Officer J observed Officer B breach the front door. Officer J related that once inside the first door several officers knocked on the second door. Officer J stated that an unidentified female answered the second door and ran back inside the residence. Officer J related that he was standing in the doorway of the residence when he observed Subject 1 with a gun. Officer J witnessed Officer A Shoot Subject 1.

In her statement to IPRA on 23 May 2011, **witness Officer K** related that she responded to XXX W. 18th Street, on 16 January 2009, to execute a search warrant with several officers. Officer K related that she was positioned in the backyard of the

residence during the execution of the search warrant. Officer K stated that while standing in the backyard she did not hear any gunshots. Officer K stated that she overheard via radio that shots were fired inside the residence. Officer K related that another officer opened the door for her and other officers to enter the residence. Officer K stated that while inside the residence she observed Subject 1 handcuffed and lying on the floor.

In his statement to IPRA on 26 April 2011, **CPD Sergeant A** related that he responded to XXX W. 18th Street on 16 January 2009, to execute a search warrant with several officers. CPD Sergeant A related that he was positioned third in line of the stack of officers. CPD Sergeant A explained that Officer B breached. CPD Sergeant A further explained that Officer B's position was "the door taker downer."³ CPD Sergeant A explained that during the execution of the search warrant, the lead entry officers should have had their weapons out, pointed in either an upward position or down in a safety direction.

CPD Sergeant A related that the team of officers knocked on the doors several times and did not receive an answer. CPD Sergeant A stated that while knocking on the door the officers were stating, "Chicago Police, search warrant,"⁴ throughout the entire process. CPD Sergeant A stated that the officers had to breach the first door and the second door was opened by the renter and/or home owner and the officers proceeded inside the residence.

CPD Sergeant A related that the door in which he and the officers entered was directly next to a room without a door. CPD Sergeant A explained that there was a "drape"⁵ that served as a door to the room. CPD Sergeant A stated that he observed "the target of the search warrant"⁶ open the drape and lift his arm with a semiautomatic in the same hand. CPD Sergeant A related that the "assailant"⁷ pointed his gun in the direction of Officer B. Officer A fired one shot. CPD Sergeant A stated that he "pistolled up as to execute a round,"⁸ but as soon as Officer A discharged his weapon the assailant dropped his weapon and fell back into the room.

CPD Sergeant A stated that when he entered the room he observed the assailant sitting on a chair against the wall of the bedroom reaching for the semiautomatic. CPD Sergeant A related that he did not discharge his weapon due to safety reasons of other officers entering the room and instead kicked the gun away from the assailant's reach. CPD Sergeant A related that the assailant was handcuffed by the officers. CPD Sergeant A terminated the search warrant because it became a crime scene. CPD Sergeant A secured the scene, made notifications and requested an ambulance.

³ *Id.* at Page 6, lines 11 – 12.

⁴ *Id.* at lines 17-18.

⁵ *Id.* at Page 7, line 23.

⁶ *Id.* at CPD Sergeant A Page 8, line 1 – 2; Target of the search warrant is Subject 1

⁷ *Id.* at Page 8, line 4, 8; Assailant is Subject 1

⁸ *Id.* at line 11.

In a statement to IPRA on 26 April 2011, **witness Officer B** related that he responded to XXX W. 18th Street, on 16 January 2009, to execute a search warrant with several officers. Officer B related that he was positioned first in line in the stack of officers for the search warrant. Officer B stated that he knocked on the first door several times and did not receive an answer. Officer B related that he then breached the first door with a ram that led into the vestibule. Officer B stated that he knocked on the door that belonged to the first floor apartment and a Hispanic female answered the door. Officer B announced his office, stated that he had a search warrant and entered the apartment. Officer B sat the Hispanic female on a couch and detained a Hispanic male.

Officer B then noticed the male Hispanic offender⁹ exit a bedroom doorway, which was covered by a cloak, with a handgun. Officer B related that the gun was pointed in his direction. Officer B stated that he yelled, "Gun."¹⁰ Officer B related that the male Hispanic offender then turned his gun in Officer A's direction at which time Officer A fired one round. Officer B stated that he believed that the male Hispanic offender was struck in his chest. Officer B related that the male Hispanic offender fell backwards onto a chair, into the bedroom behind the curtain.

Officer B stated that he and CPD Sergeant A entered the bedroom and observed a gun near the male Hispanic offender. CPD Sergeant A then kicked the gun away, secured the offender and called for medical attention. Officer B explained that when he initially observed the male Hispanic offender he did not discharge his weapon because his weapon was holstered as he attempted to handcuff the initial male Hispanic inside the household.

In a statement to IPRA on 26 April 2011, **involved Officer A** related that he responded to XXX W. 18th Street, on 16 January 2009, to execute a search warrant with several officers. Officer A related that he was second in line of the stack of officers for the search warrant. Officer A stated that they knocked on the door several time and did not receive a response. Officer A related that the first door was breached. Officer A related that initially he had a "break-a-bar"¹¹ in his hands and therefore his gun was holstered. Officer A stated that when a female Hispanic opened the second door, the break-a-bar was probably on the floor.

Officer A related that when he entered the residence he observed a male on the couch and the female who opened the door being pushed back by Officer B. Officer A stated that Officer B then dealt with a male as Officer A proceeded through the room. Officer A observed the target of the search warrant, Subject 1, come out from a bedroom doorway covered with a bed sheet. Officer A stated that Subject 1 held a black semi-automatic handgun in his right hand at his waist, and opened the curtain across with his left hand. Officer A then discharged his weapon, and Subject 1 fell back. Officer A described his decision to discharge his weapon as, "purely reactionary."¹²

⁹ Statement of Officer B, Page 5, line 22; Male Hispanic Offender is Subject 1

¹⁰ *Id.* at Page 6, line 2.

¹¹ Statement of Officer A Page 7, line 9.

¹² *Id.* at Page 14, line 24.

Officer A related that he pulled the trigger of his weapon twice and only one round executed. Officer A stated that when he pulled the trigger a second time the magazine dropped out of his weapon. Officer A related that he picked up his magazine and reinserted the magazine into his gun. Officer A confirmed that during the execution of the search warrant “Police, Chicago Police search warrant,” was yelled out numerous times.¹³

¹³ *Id.* at Page 12, lines 15 – 19.

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 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. According to Witness 1 and the involved CPD members, the officers announced their office during the execution of the search warrant. Furthermore, the involved members stated that they wore CPD raid vest which displayed the words "Chicago Police." Subject 1 opened the curtain that draped in the doorway of the bedroom and pointed his weapon in the direction of the officers. In his statement to the detectives, Subject 1 stated that he pointed his weapon at the officers whom he referred to as strangers. This placed Officer A in imminent fear of great bodily harm or death from Subject 1 to himself and Officer B. Officer A discharged his weapon striking Subject 1 in his upper left abdomen. Therefore, based on the totality of the circumstances, Officer A was reasonably in fear of his life and fired at Subject 1 to prevent death or great bodily harm.