

**Independent Police Review Authority**

Log # 1023878 - U# 09-05

**INVESTIGATION**

**NUMBER:** Log # 1023878/U# 09-05

**OFFICER #1**

**INVOLVED:** “Officer A” (Chicago Police Officer); Male/Black; 54 years old;  
Off Duty; In Civilian Clothes; Year of Appointment – 1994

**OFFICER’S**

**INJURIES:** Swelling and redness to the right ear.

**SUBJECT 1:** “Subject 1”; Male/Black; 19 years old

**SUBJECT 1**

**INJURIES:** GSW to left thumb, transported to Jackson Park Hospital,  
where he was treated and released.

**SUBJECT 2:** “Subject 1”; Male/Black; 17 years old

**SUBJECT 2**

**INJURIES:** None

**INITIAL**

**INCIDENT:** Robbery / Police Involved Shooting  
Shots Fired by Police (Offender Hit)

**DATE/TIME**

**OF INCIDENT:** 14 February 2009, at 0405 hours

**LOCATION:**

8500 S. Cottage Grove (on the street)

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### **SUMMARY OF INCIDENT:**

On 14 February 2009, at approximately 0400 hours, Off Duty Police Officer A was walking home from a friend's house. He was walking southbound on the east side of Cottage Grove and approaching 85<sup>th</sup> Street. Officer A observed two male subjects, now identified as Subject 1 and Subject 2, walking behind him. Subject 1 approached and walked in front of Officer A, while Subject 2 stayed behind Officer A. Officer A became suspicious of this behavior and walked across the street, with Subject 1 and Subject 2 also crossing to the west side of Cottage Grove. As they reached 85<sup>th</sup> Street, Subject 1 punched Officer A on the left side of his head and announced a robbery. This blow caused Officer A to fall onto his back, forcing his coat to open and exposing his firearm, which was secured in a shoulder holster. Subject 2 then alerted Subject 1 saying something to the effect, "He's got a gat (gun)." Officer A announced his office and tried to un-holster his firearm. A struggle for the gun began between Officer A and Subject 1, at which time Officer A shot at Subject 1 once, striking him in the left thumb. Subject 1 fled eastbound on 85<sup>th</sup> Street and Subject 2 fled northbound on Cottage Grove.

Officer A called 911 and provided the description of Subject 1 and Subject 2. The 006<sup>th</sup> District responded and apprehended Subject 1 and Subject 2 a short time later. Both were positively identified by Officer A as the offenders.

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### **SUMMARY OF INCIDENT**

#### **ROUND TABLE REPORT:**

**CPD Detective 1**, summarized the incident and presented the witnesses to the roundtable. Detective Downes related that at approximately 0400 hours, Officer A was walking south on the east side of the 8300 block of Cottage Grove, to pick up some food from a restaurant, Captain Hooks. Officer A had just left a friend's house and was picking up the food to take to his mother. There were two male blacks, now identified as Subject 1 and Subject 2, walking several feet behind him. Also present was an unidentified female black walking approximately two to three feet in front of Officer A. One of the males, Subject 1, ran in front of Officer A and turned around and stated to Officer A, "Who's that motherfucker over there?" referring to Subject 2. Officer A ignored Subject 1 and crossed the street. The female black also crossed the street. Subject 1 followed them across the street and again walked ahead of Officer A. Subject 1 looked behind at Subject 2 who was across the street and stated to Officer A, "What's he doing?" As Officer A turned to look across the street at Subject 2, Subject 1 punched him on the face. Subject 1 then jumped on top of Officer A and straddled him, punching him several times on the face and saying, "Give it up Motherfucker, give it up!" Subject 2 crossed the street and was standing six feet away from them. The female black also stopped and was one to two feet away from Officer A and Subject 1. Subject 1 was holding Officer A by the collar with one hand and searching his clothing. Officer A's coat fell open and Subject 2 yelled out, "He's got a gat (gun)!" Officer A identified himself as a Chicago Police Officer and withdrew his weapon. Subject 1 and Officer A began to struggle for the gun, at which time the gun discharged once. Immediately Subject 2 ran north on Cottage Grove and Subject 1 ran east on 8<sup>th</sup> Street. The female black also walked away. Officer A called 911 and related the incident, then walked to 8550 S. Cottage Grove to the Captain Hooks Restaurant and waited for the police.

Detective Downes further related that Officer A's weapon had "stove piped" which he described as meaning that the bullet casing did not exit the chamber of the gun after the gun fired. Detective Downes further related that when this occurs it indicates that someone may have had their hand over the chamber when the gun fired, therefore blocking the bullet casing from exiting the chamber and getting stuck inside of it.

**Witness 1** related that he was headed south on Cottage Grove and was approaching the light at 85<sup>th</sup> Street. Witness 1 related that he observed two people standing up, a male and female black and two people on the ground, a male black straddling someone. Witness 1 related that he could not see if the person on the ground was male or female. Witness 1 related that the male straddling on top of the individual, punched the individual two times on the face. Witness 1 related that he observed the person on the ground struggling. Then he heard one gunshot, but did not see a gun or who fired it. Witness 1 related that he began to drive away, fearing that a shoot out was going to occur and observed through the rear view mirror that the male black standing on the street immediately ran northwest on Cottage Grove and the one straddling the individual, who Witness 1 could now see was a male black, also ran east on 85<sup>th</sup> Street and the female went south on Cottage Grove. Witness 1 related that a male black, holding a gun, stood up and he recognized him as a Chicago Police Officer from the neighborhood, but does not know him personally. Witness 1 related that he observed the officer point his gun at the fleeing offender

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who punched him. Witness 1 related that he then observed the officer pull back the slide of his gun as if it had malfunctioned. The officer then walked to a covered bus stop and pulled out his cell phone.

Witness 1 related that he called 911 to report the off duty officer being robbed and that somebody had been shot. Witness 1 related that he drove to a gas station and observed a marked squad car. As two officers exited the gas station he informed them of the incident. Witness 1 related that he circled around the location of incident and observed police vehicle at Captain Hooks Restaurant, so he pulled in and informed the officers that he had witnessed the incident.

**CPD Detective 2**, related that he initially spoke to Subject 2 and he denied any involvement in the incident. Subject 2 related to him that he observed Officer A walking with a female black and that the officer reached in his pocket and pulled out a gun. Subject 2 related that the Officer fired at him and Subject 1 for no reason. Subject 2 refused to provide any further information and requested an attorney. The interview was terminated.

CPD Detective 2 related that, once he returned to Area 2, he discovered after speaking to other detectives that Subject 2's account was not consistent with the actual details of the incident and confronted Subject 2. Subject 2 stated that he now wanted to tell the truth. Subject 2 related that he and Subject 1 were walking and observed Officer A walking with a woman. Subject 2 related that Subject 1 wanted to rob the officer and stated, "We own dude." Subject 1 then walked over to the officer and punched him. The two then went down to the ground. Subject 2 related that he observed the officer pull a silver color gun out of his coat and he (Subject 2) began running away. As he ran, he heard a gunshot. Subject 2 related that he ran to Drexel and observed Subject 1's stepfather and told him that Subject 1 had been shot. As they began looking for Subject 1, they were stopped by the police. The officers recognized Subject 2 as fitting the description of one of the offenders and he was placed into custody. Subject 2 related that the female that was with Officer A was spoken to and allowed to leave and she was not identified. CPD Detective 2 related that Officer A related to him that the female was walking on the sidewalk with him, but he did not know who she was.

**Officer B**, related that he was working Beat 606J when he heard a call over the radio of a 10-1 and robbery of a police officer. A description of the two offenders was called over the radio and he arrived at the location of incident. Officer B related that several minutes later he received another call of a man shot at 83<sup>rd</sup> and Drexel so he left and went to that location. While en route, Officer B observed three black males running on the street and he stopped them for a field interview. One of the males informed him that he was looking for his friend that had been shot. Officer B related that he observed this person as fitting the description of the offender that had tried to rob the officer. The offender was taken into custody and, when Officer A arrived, he positively identified him as one of the offenders who had tried to rob him.

**Officer C**, related that he was working Beat 606D when he heard a call over the radio of a 10-1 at 85<sup>th</sup> and Cottage Grove. Officer C related that he arrived at 85<sup>th</sup> and Cottage Grove in approximately four minutes and received another call over the radio of a person shot at XXXX S. Drexel. Officer C related that en route to Drexel, he received a description of the two offenders.

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Upon reaching the residence at XXXX S. Drexel, he found the offender, Subject 1, sitting on the stairs inside the house with a gunshot wound to his left hand. Officer C related that Subject 1 was placed in custody. Officer A was driven to the residence where he positively identified Subject 1 as one of the offenders that tried to rob him. Subject 1 made no comments to the police.

**Officer A**, related that he was walking to Captain Hooks to pick up food and he observed two male blacks walking behind him. One was wearing a very long red shirt, and was later identified as Subject 1. The other person was wearing a long gray sweatshirt with a hood or "hoodie," and is now identified as Subject 2. Officer A related that there was a female black also walking south a few steps ahead of him. Officer A related that offender, Subject 1, passed to get in front of him on the sidewalk and kept turning and looking behind him at the other offender, Subject 2, repeatedly. Officer A related that he was not comfortable and the female looked alarmed. Officer A related that he crossed the street to the west side of the street. The female followed, as did the offender, Subject 1. Officer A related that offender, Subject 2, stayed on the east side of the street. As offender, Subject 1, crossed the street, he commented to Officer A, "Who is that motherfucker over there?" Officer A looked behind at Subject 2 but kept walking.

The offender, Subject 1, met up with Officer A at a driveway just south of 85<sup>th</sup> and Cottage Grove and said, "What's wrong with that motherfucker?" Then said, "Watch out." This caused Officer A to turn his head again and look at the offender, Subject 2, and when he turned his head, Subject 1 punched him on the face. Subject 1 continued punching Officer A as they went down to the ground. When Officer A's jacket was pushed open as he fell, he yelled his office and Subject 2 yelled, "He's got gat (gun)." Officer A related that his gun was in his holster on the left side of his body and he pulled the gun out as Subject 1 went for it. Officer A related that he and Subject 1 struggled for the gun and he fired it one time. Subject 1 got up and ran east on 85<sup>th</sup> Street, while Subject 2 ran north on Cottage Grove. The female was still standing there and asked Officer A, if he "was okay," and he responded that he was. Officer A related that he walked over to a bus stop and called 911, provided a description of the offenders and told them that he would wait at Captain Hooks Restaurant. Officer A related that he did not see where the female had gone. Officer A related that he was later taken to the location where both offenders were located and he positively identified them as the two who attempted to rob him. Officer A related that he does not know the offenders or the female.

The round table concluded at approximately 0958 hours.

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In a written statement dated 27 February 2009, the victim/offender, **Subject 1**, related that on 14 February 2009, at approximately 2200 hours, he met up with Subject 2 and walked to an abandoned house and smoked some marijuana and drank beer and vodka. Subject 1 related that he left Subject 2 and went to see other friends where he smoked more marijuana and drank more beer. Subject 1 related that, at approximately 0130 hours, he met up with Subject 2 again at Leon's BBQ and decided to get more beer. They walked to the liquor store at 79<sup>th</sup> and Cottage Grove and got beer. They then walked towards 85<sup>th</sup> and Cottage Grove, and Subject 2 decided to urinate. Subject 1 related that he continued walking and observed two people ahead of him walking. Subject 1 ran towards the two people, but spoke only to the male black and asked him, "If he knew who the person was that was behind him, because he was following him?" The man responded, "No." Subject 1 related that he created a diversion because he was going to rob the man. Subject 1 related that it was Subject 2 who was walking towards them and that he did not tell Subject 2 that he was going to rob the man. Subject 1 related that the man was walking with a female black, but he could not provide a description of the female other than the fact that she hangs around 79-85<sup>th</sup> South on Cottage Grove.

Subject 1 related that he punched the male black on the face and, when the man fell to the ground, he sat on his chest and asked, "Where is your money?" The man responded that he had no money. Subject 1 related that the man reached inside his coat and pulled out a gun and pointed it at his (Subject 1's) face. Subject 1 described the gun as a 9mm or a .380, silver or chrome on top of the gun and possibly a brown handle. Subject 1 related that when the gun was pointed at his face, he pushed the gun away. The man again pointed the gun at his face. Subject 1 then placed his hand on top of the gun to push it away. Subject 1 related that the gun went off, one shot. Subject 1 related that Subject 2 had walked up and saw the gun and yelled to Subject 1, "Man he got a gun. Maybe you should not be doing this."

Subject 1 related that he got up and the man was still on the ground holding the gun with both hands pointed towards him, but the female was standing in between them. The female said to the man, "What you going to shoot me too?" Subject 1 ran east down 85<sup>th</sup> Street to Maryland where he slowed down and lit a cigarette, at which time he realized he was shot in the thumb. Subject 1 related that he ran home to XXXX S. Drexel and told his mother that he was shot. His mother called the police, but he told her "No just call an ambulance, because I just tried to rob someone." The police arrived at his home and took him to the front of a police car. Subject 1 observed Subject 2, who was also brought in front of the police car. Subject 1 heard a police officer say, "Yeah that's them." Subject 1 was placed in the ambulance and taken to Jackson Park Hospital for treatment, and Subject 2 was placed back in the police car.

Subject 1 related that he did not see where the female black went. Subject 1 related that he did not hear the man say he was a police officer at any time. He did not observe anyone else at the scene when the incident occurred.

In a written statement dated 14 February 2009, the victim/offender, **Subject 2**, related that he and his friend, "First Name," now known as Subject 1, were walking southbound on

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Cottage Grove intending to get “some change,” meaning to rob someone, in order to purchase something at the liquor store. Subject 2 related that he and Subject 1 consumed a pint of vodka. Subject 2 did not recall if he was sober or intoxicated during the incident. Subject 2 related that around 83<sup>rd</sup> Street he and Subject 1 observed a male and female black walking side by side and they followed them. At 84<sup>th</sup> Street the man crossed the street with the woman, prior to them crossing the street, Subject 1 told him, “We own him.” Subject 2 related that Subject 1 followed the man and woman. Subject 1 had a conversation with the man, but Subject 2 did not hear what was said. Subject 2 related that he observed Subject 1 hit the man on the head, causing the man to fall to the ground on his back. Subject 1 then sat on the man, while Subject 2 and the woman watched. Subject 2 heard the man say he did not have any money and pull out a silver and black gun. Prior to seeing the gun, Subject 2 related that he said, “I think he has a gun, because he was reaching for something on his body.” Subject 2 related that when he saw the gun, he ran towards the row houses, at which time he heard a gunshot. He turned and observed Subject 1 get up and run towards Drexel. Subject 2 related that as he ran, he ran into Subject 1’s step-father and his friend and told them that Subject 1 had been shot. As they walked to Cottage Grove, the police pulled up. Subject 2 related that he observed the female black who was present earlier, point him out to the police officers as a suspect. Subject 2 related he was handcuffed and driven to Drexel, where Subject 1 came out of his home and was also identified by the female as a suspect. Subject 2 related that he did not see the man Subject 1 tried to rob. Subject 2 related that Subject 1 was taken to the hospital and he was taken to the Area 2 police station. Subject 2 related that he did not know that the man who fired the gun was a police officer until he was told by other police officers.

In a written statement dated 14 February 2009, the Witness 1, related that he was headed south on Cottage Grove and was approaching the light at 85<sup>th</sup> Street. Witness 1 related that he observed two people standing up, a male and female black and two people on the ground, a male black on top of a male. Witness 1 related that he did not know if the female was with the two males or with the male on the ground. He did not try to help or stop the incident. Witness 1 related that the male who was on top, punched the male on the ground several times. Witness 1 related that the male on the ground was being robbed because the male on top was going through his clothes. Witness 1 heard a gunshot and observed the two male offenders run away. One of the offenders almost hit his car when he was running away. Witness 1 observed the female just walk away. Witness 1 related that the man with the gun that was on the ground stood up and pointed the gun at the fleeing males. Witness 1 recognized the man as a Chicago Police Officer from the neighborhood, but does not know him personally. Witness 1 related that he observed the officer pull the slide of the gun several times before he put it away in his holster. The officer then walked to a covered bus stop and pulled out his cell phone. Witness 1 related that he called 911 to report the incident and then drove to a gas station where he observed a marked squad car and two officers exiting the gas station at which time he informed them of the incident. Witness 1 related that he only saw the offender strike the officer and that the officer did not strike the offender.

In a **report** submitted by **IPRA Investigator A**, dated 17 February 2009, she related that she responded to Jackson Park Hospital at approximately 0550 hours, in an attempt to interview the victim/offender, Subject 1. IPRA Investigator A related that while in the Radiology

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Department, she met CPD Detective 3 and CPD Detective 2, who related that Subject 1 refused to provide a statement without an attorney. IPRA Investigator A met with Subject 1 and provided him with the Miranda Rights, to which he responded that he would not speak without an attorney. IPRA Investigator A related that Subject 1 related after declining to speak, "Some nigger tried to jack me and steal my money." IPRA Investigator A observed Subject 1's left thumb bandaged. IPRA Investigator A related that she spoke to the x-ray technician, Technician A, who related that Subject 1 did not say anything about how he sustained his injury.

IPRA Investigator A related that she was with the emergency room doctor, Doctor A, when he asked Subject 1 "how he sustained his injury?" Subject 1 responded to Doctor A, "he was shot by a son of a bitch who wants to fuck him up." Doctor A checked Subject 1 thumb and related that it was a "through and through injury." IPRA Investigator A related that she observed Subject 1's thumb, which was bloody and appeared to have a small puncture wound about the diameter of a pencil eraser in the center of the thumb pad. The perimeter of the thumb was unharmed and Subject 1 was able to flex the thumb.

In a **report** dated 14 February 2009, at approximately 1036 hours, submitted by **IPRA Investigator B**, she related that she was accompanied by IPRA Investigator C, and they went to the Nike Factory at 8510 S. Cottage Grove in an attempt to obtain a security surveillance video relative to the incident. The on-duty manager, Manager 1 related that the Loss Prevention Manager, Manager 2, and Store Manager, Manager 3, were not available until Monday, to call (773-XXX-XXXX). IPRA Investigator B related that she observed two cameras outside the shipping and receiving area. IPRA Investigators B and C spoke to Business Owner at ?????? at XXXX S. Cottage Grove. Business Owner related that his cameras only capture the parking lot and would not have captured the incident in the surrounding vicinity. IPRA Investigators B and C observed a white camera mounted on the city light pole at the intersection of 8500 S. Cottage Grove.

In a **report** dated 23 February 2009, submitted by **IPRA Investigator D**, related that on 14 February 2009, he went to the Nike Store at 8510 S. Cottage Grove Avenue to obtain the surveillance video from the Store Manager, Manager 3.

In a **report** dated 20 February 2009, submitted by **IPRA Investigator E**, she related that on 20 February 2009, City Employee, General Foreman of Streets & Sanitation Department, related that the white camera is a video detection camera for controlling traffic signals only; the camera does not record.

The **Office of Emergency Management and Communications (OEMC)** recording(s) 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, off duty police officer did not discharge the weapon. PO weapon discharged, both offenders identified and in custody and ambulance requested.

A **Chicago Fire Department Ambulance** responded to a call of a gunshot victim. The report revealed that paramedics found the patient, Subject 1, with a single gunshot wound to the left thumb. No other trauma was noted and he was transported to Jackson Park Hospital.



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The related **Department Reports**, which includes Case Report (RD # HR-169-572), Tactical Response Report, Officer's Battery Report, Injury on Duty Report, and Arrest Report, provide accounts of the incident that are consistent with the summary of incident. Including the fact that Officer A was punched on the face, causing him to fall to the ground, and the offender, Subject 1, punching him and struggling for the gun when the gun discharged. Subject 1 was placed in custody along with Subject 2 for Attempted Robbery.

The **Detectives' Supplementary Report**, (RD# HR-169-572), reported that Subject 1 and Subject 2 were identified as the two subjects who distracted and assaulted/battered the victim, Officer A, in an attempt to rob him. This occurred as the victim was walking southbound at 8500 S. Cottage Grove Avenue. Prior to the line-up, the procedures were explained to participants Williams and Subject 2, and each was allowed to choose their own position.

The **Independent Police Review Authority (IPRA)** canvass conducted in the vicinity of 8452-8500 S. Cottage Grove Avenue did not produce any additional witnesses.

The **Medical Records** from Jackson Park Hospital, dated 14 February 2009, reveal that Subject 1 was brought in by paramedics with a gunshot wound to the left thumb, entry and exit wound. The report reveals Subject 1 was treated and released. Subject 1 was in police custody.

The **Evidence Technician Photographs** taken on 14 February 2009, depict photos of the location of incident, a photograph of Officer A's weapon and spent shell casing. Photos taken of Subject 1 depicts his left thumb wrapped in bandages. No other visible injuries were observed on Subject 1. Lineup photos of six black male subjects included Subject 1 and Subject 2.

The **Illinois State Police (ISP), Division of Forensic Services**, report, dated 13 May 2009, revealed that primer gunshot residue (PGSR) test done on Subject 1 on his left hand. The report revealed that Subject 1 discharged a firearm or had his left hand in the environment of a discharged firearm.

**The store video** was obtained from the Nike Factory Store, 8510 S. Cottage Grove, for the date of 14 February 2009. There were sixteen cameras on the CD but only cameras 9, 10, and 13 are outside the store, and the remaining are inside the store at various locations.

**Camera #9** began play at 03:50:00 hours with three subjects walking on the sidewalk and in close proximity to a person falling to the ground and one of the subjects observed walking away. The video shows what appears to be one of the remaining subjects standing over the subject who was on the ground. The play ended at 03:57:07.

**Camera #10** began play at 03:50:03 and ended at 04:15:24. The camera was directed down and the entire video was a view of the pavement.

**Camera #13** began play at 03:49:55 with several marked police vehicles and citizen vehicles observed driving by. A subject who walks into camera view is described as an African

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American and it is unclear if it is a male or female. The subject is wearing a dark colored waist jacket, what appears to be blue jeans, and white gym shoes. The subject is observed walking down the street away from the camera and then walking into the street. A second subject (identity is unknown) is then observed walking towards the first subject from the opposite side of the street. The two met in the middle of the street and then walked away from the camera, made a turn, and walked out of camera view. Police vehicles are observed, including a squadrol, driving by and then making a turn at the same location where the two subjects turned. Three black male subjects come into camera view and walked down the street away from the camera, and then turned and walked back towards the camera and then out of camera view. Citizen vehicles, police vehicles, squadrols, and a CFD fire truck are observed driving by. No further video is observed.

In a statement to IPRA, **Officer A**, related that he was off duty on medical leave when the incident occurred. Officer A related that he carries his weapon in a shoulder holster under his left arm. Officer A related that he was walking to Captain Hooks Restaurant to pick up some food for his mother and aunt when the incident occurred. Officer A related that he was walking southbound on Cottage Grove Avenue towards Captain Hooks Restaurant. He observed a female black also walking down the street ahead of him and he walked faster to catch up to her. Officer A related that he did not know the female. As he continued to walk, a male black walked past them and looked at him and the female. The male looked behind him so he (Officer A) took a quick glance back and saw another male. Officer A related that he then crossed the street, when the man who was in front of him said, "Man, you got to watch these people out here," or something to the effect, "you know, they're crazy." Officer A related that he looked at the man, but blew it off and continued walking. Officer A related that the two males shouted at each other and caused some kind of diversion and when he stopped and turned around, he was hit on the right side of the face and knocked to the ground.

Officer A related that he was lying on the ground so he grabbed the man, held him by the arm and tried not to lose consciousness. Officer A related that he heard the second man say, "Something's not right with him, he's not acting right." Officer A related that the female was hysterical, screaming. Officer A related that the man that hit him got on top of him and said, "Where's that damn money?" Officer A related that he reached over and pulled out his weapon and said, "Police." Officer A related that the man grabbed the gun trying to take it out of his hand. At that point, Officer A discharged his weapon. The man got up and ran away. Officer A did not know if the man was hit. Officer A related that the second man also ran away and the female was still standing there hysterical, so he knew she had nothing to do with it. Officer A related that a man who was driving down the street stopped, got out, asked if he was okay, then got back in his car and drove away. Officer A related that he called 911.

Officer A related that, when the police arrived, he identified himself and explained what had occurred and they put out a flash. Officer A was informed that someone was hit and he was taken to the location where Subject 1 was located in the ambulance and was brought out. Officer A related that he identified Subject 1 as the offender who tried to rob him. Later, the police brought his accomplice, and he also identified him. Officer A related that he sustained a little swelling to his face and experienced back problems. He sought medical treatment because of his back.

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### CONCLUSION AND FINDING:

This investigation found that, based on the preponderance of evidence, the use of deadly force by Officer A was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order No. 02-08-03, III: DEPARTMENT POLICY, A1 and A2, a, b, c.

- 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 was attacked and battered in an attempted robbery by Subject 1 and Subject 2, in the vicinity of 8500 South Cottage Grove Avenue. Officer A discharged his weapon when the offender, Subject 1, battered him and attempted to take his gun out of his hand. Subject 1 was struck in the left hand thumb and then fled the scene along with his accomplice, Subject 2. Both offenders were later apprehended and identified by Officer A as the offenders. 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 life when he discharged his weapon.