

Independent Police Review Authority
Log#1024613/U# 09-08

INVESTIGATION

SUBJECT: U# 09-08, Log #1024613

OFFICER

INVOLVED#1: "Officer A" (Chicago Police Officer); Female/Black; 34 years old; Off Duty; In Uniform; Year of Appointment – 2002

OFFICER #1'S

INJURIES: None reported

SUBJECT: "Subject 1"; Male/Black; 23 years old

SUBJECT'S

INJURIES: Gunshot wound to right side, exiting front pelvic area; one gunshot wound to upper back, lodged left of spine.

INITIAL

INCIDENT: Burglary

DATE/TIME

OF INCIDENT: 12 March 2009 at approximately 0749 hours

LOCATION:

7XXX S. green
Beat 0621

SUMMARY OF INCIDENT:

On 12 March 2009, at approximately 0700 hours, Officer A left her residence at 7XXX S. Green, 2nd Floor, with her thirteen year old daughter. Officer A was going to drop off her daughter and then go to work at the 011th District Station, where she is assigned to the 2nd Watch. Officer A was wearing her uniform under a waist-length civilian jacket. She wore a CPD turtleneck, with her star worn around her neck. Her pistol was in a pocket of her cargo pants because her holster and belt were at the district station.

As Officer A drove north on the Dan Ryan Expressway she received a phone call from her home alarm service, Emergency 24. Emergency 24 told Officer A that her house alarm indicated a break-in at her front door. Officer A turned around at 22nd Street, drove home, and parked behind her residence, leaving her daughter in her vehicle.

Officer A approached her front door and observed pry marks on the door and wood fragments on the landing. Officer A drew her gun and entered her residence. Officer A identified herself as the "police" and yelled, "If you're still in here, come out!" Officer A did a cursory search of the first and second floors and returned to the first floor living room, where she was going to call "911 from her home phone."

Officer A heard commotion and observed a male subject¹ walking down the stairs from the second floor and carrying a red tote bag. Officer A drew her gun and pointed it at Subject 1. Officer A told Subject 1 to stop. Subject 1 reached into the red tote bag and Officer A fired twice at him. Subject 1 ran out the open front door. Officer A fired at Subject 1 again while he was on the landing outside the front door. Subject 1 ran down the stairs and turned on the next landing, continuing to run as Officer A continued to fire at him. Subject 1 fell onto the grass north of the concrete at the bottom of the stairs. Officer A ordered Subject 1 to show his hands but he rolled over. Officer A fired at Subject 1 again while his hands were positioned inside or near his bag.

Subject 1 got up from the ground and ran out the front yard. Officer A lost sight of Subject 1, returned to her residence, and called "911." Subject 1 was arrested in the rear yard of 76XX S. Sangamon. Subject 1 was transported via ambulance to Christ Hospital. The red bag was recovered at the rear of 76XX S. Peoria which contained a screwdriver, pry bar, and jewelry that Officer A identified as having been taken from her residence. The bag also contained Officer A's daughter's social security card. The bag was apparently dropped at the Peoria Address as Subject 1 fled west from Green, and finally stopping at the Sangamon address.

¹ Now identified at Subject 1 through Department Reports.

INVESTIGATION:

Witness 1 related to the Roundtable Panel that he was asleep in his apartment at the time of the incident. Witness 1 was awakened by approximately six gunshots and then heard police cars in the neighborhood. Witness 1 also heard screams near his residence. Witness 1 looked out of his apartment and saw a male² lying at the bottom of his rear stairs. Witness 1 went outside and asked Subject 1 what was going on and Subject 1 asked for help. Witness 1 went inside his residence and called "911." Witness 1 returned outside and asked Subject 1 if he knew who shot him but Subject 1 did not know. Subject 1 crawled on the ground while in the backyard. Witness 1 picked up Subject 1 from behind and set him down on the back stairs of his residence. Officers and paramedics arrived. Witness 1 stated that he did not know Subject 1. (Att.5)

Witness 2 related to the Roundtable Panel that he parked his vehicle near 76XX S. Green. Witness 2 opened his front gate and then heard gunshots. He went to his front porch and observed a male subject³ running with arms held up against his chest. Witness 2 saw a female black subject⁴ following Subject 1 on foot. Witness 2 stated that Officer A and Subject 1 spoke to each other during the chase but he could not hear what was said. Witness 2 then heard three to four gunshots while he observed Subject 1 running. Officer A stood on Green street while holding a gun in her hand and pointing it at Subject 1 as he ran.

² Identified at Subject 1 through Department Reports.

³ Identified at Subject 1 through Department Reports.

⁴ Identified as Officer A through Department Reports.

Witness 2 was not sure if he saw Officer A actually firing the gun then. After the incident, Officer A then walked east from her position on Green. (Att.5)

CPD Detective 1 related to the Roundtable Panel that he spoke to Subject 1 at Christ Hospital. Subject 1 related that he was shot during an argument with a male he knew as “[Nickname]” and “[Nickname].” Both males were selling drugs at 78th and Morgan and argued over money. Subject 1 stated that he was shot nine times and could not recall how he was brought to the hospital. (Att.5)

The Report from the Deputy Chief of Patrol A included an account of the incident that is consistent with the Summary of Incident. Deputy Chief of Patrol A added that when Subject 1 reached in the red bag, Officer A realized that Subject 1 may have taken a second weapon she kept in her apartment and in fear of her life discharged her weapon. (Att.4)

The Tactical Response Report (TRR) from Officer A indicates that she fired her weapon ten times at Subject 1.

Officer A’s Battery Report (OBR) indicates that she did not sustain any apparent injuries.

The related Department Reports, including the Arrest Report, Original Case Incident Report, and Supplementary Report, included an account of the incident that is consistent with the Summary of Incident. The Supplementary Report added that Subject 1 was in possession of a door lock cylinder. Subject 1 was charged with Aggravated Assault/Officer/Fireman and Residential Burglary. (Att.8,9

Evidence Technician Photographs and videotape depict what appear to be the location of incident, the recovered evidence, and photographs of Subject 1. (Att.36,72)

The Crime Scene Processing Report indicates that a 9mm Smith & Wesson, Model #6946, belonging to Officer A, was inventoried under number 11610844. (Att.35)

A canvass was conducted but no additional witnesses were located who witnessed the incident. (Att.18,19,50)

The Chicago Fire Department (CFD) EMS Incident Report indicates that on 12 March 2009, at 0749 hours, EMT's responded to the scene and observed Subject 1 lying on some stairs with a gunshot wound to his lower right flank area. Subject 1 stated that he heard up to seven shots. EMT's also noted a

gunshot wound to Subject 1's left mid-back, just left of his spine. Subject 1 was transported to Christ Hospital. (Att.41)

Medical Records from Christ Hospital indicates that Subject 1 was brought into the hospital with a gunshot wounds. Subject 1 was diagnosed with a penetrating gunshot wound to his RLQ (Right Lower Quadrant) abdomen, "TS" left paraspinal region, and right suprapubic graze wound. (Att.70,71)

A Report from the Illinois State Police (ISP), Division of Forensic Services, dated 08 April 2009, indicates that Officer A's weapon, a 9mm semiautomatic pistol, Smith & Wesson, Model 6946, Serial Number VJC9797, was found examined, found to be in firing condition, and test fired. (Att.42)

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A was in compliance with Chicago Police Department policy and Illinois State statutes. 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 involves 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."