

INDEPENDENT POLICE REVIEW AUTHORITY
LOG #1026136, U#09-011

SUBJECT: Log #1026136/U#09-11

OFFICER #1 INVOLVED: “Officer A” (Chicago Police Officer); Male/White; 36 years old; On-Duty; Civilian Dress; Year of Appointment – 2002

OFFICER #1: WEAPON: Sig Sauer P229; Serial Number # AL13293; City Registration #630790; FOID #13630404; (2) live rounds recovered from magazine, (1) live round in chamber; Ammunition +P Winchester 9mm

OFFICER’S INJURIES: None Reported

OFFICER #2 INVOLVED: “Officer B” (Chicago Police Officer); Male/White; 30 years old; On-Duty; Civilian Dress; Year of Appointment – 2002

OFFICER #2: WEAPON: Beretta 9mm, Model #8000; Serial # 086054MC; City Registration # 629695; FOID #93020074; (5) live rounds recovered from magazine, (1) live round recovered from chamber. Ammunition: +Winchester 9mm

OFFICER’S INJURIES: None Reported

SUBJECT: SUBJECT’S “Subject 1”; Male/Black; 18 years old

INJURIES: Multiple gunshot wounds, fatal. Subject pronounced dead at the scene on 06 May 2009 at 2212 hours

INITIAL INCIDENT: Shots fired near 2158 E. 71st Street

DATE/TIME/ LOCATION OF INCIDENT: 06 May 2009, at approximately 1855 hours
7120 S. Merrill Avenue (Alley)
Beat 333

SUMMARY OF INCIDENT:

On 06 May 2009, at approximately 1855 hours, Beat 306A (**Officer B and Officer A**) were driving westbound on 71st street just east of Paxton Avenue in a marked police car when they heard several gunshots in the immediate area. Officer B and Officer A observed three black male subjects running north on Paxton Avenue across 71st Street. Officer B and Officer A began to chase the three subjects north on Paxton Avenue in their police car. The three subjects then turned around and ran south on Paxton Avenue, across 71st Street. The officers observed that one of the three black males, now known as Subject 1, was holding a large chrome handgun in his hand as he ran.¹ It should be noted that the Roundtable Report describes Officer B and Officer A initially traveling eastbound on 71st Street just east of Paxton Avenue, when they noticed the three black male subjects running north on Paxton Avenue. However, both of the officers' statements as well as the Detective Supplemental Report indicate their initial direction as westbound on 71st Street as noted here. It is unlikely that the officers were traveling eastbound on 71st Street just past Paxton Avenue as the three subjects would have been passing behind the officers' vehicle, and none of the reports suggest that the officers had to turn the vehicle around at this point to pursue the subjects. Moreover, the path of travel that Subject 1 took, as well as the path reported to be taken by the officers, was in a southwesterly direction from the first point of contact. Finally, Subject 1's body was located in the alley directly behind the building located at 7120 S. Merrill Avenue, a direction southwest of the location where he was initially spotted by the officers. Therefore, it is reasonable to conclude that the direction of travel noted in the Roundtable Report was done so erroneously.

The officers continued to chase Subject 1 southbound on Paxton Avenue. Officer B was driving the police car. At approximately 7120 S. Paxton Avenue, Subject 1 ran west through a gangway. Officer A exited the police car and ran west through the same gangway in pursuit of Subject 1. Officer B performed a U-turn and drove north to 71st Street and then went west in the eastbound lane on 71st Street, maintaining radio contact with Officer A.

Subject 1 ran west across Merrill Avenue and continued running west through a second gangway with Officer A in pursuit on foot and Officer B following the foot chase in the police car from 71st Street. Officer B saw Subject 1 run into the parking lot (alley) directly behind the building located at 7120 S. Merrill Ave. Officer B turned off 71st Street into the north entrance of the parking lot. Officer B drove south through the parking lot towards Subject 1, who was directly in front of the squad car, running south. Officer B pulled up parallel to Subject 1, within 5 to 10 feet, and shouted, "Police, drop your weapon!" Officer B began to get out of the squad car. At this point, Subject 1 pointed his gun at Officer B. Officer B and Officer A then discharged their weapons, striking Subject 1 multiple times. Subject 1 was pronounced dead at the scene.

INVESTIGATION

¹ See Roundtable Report Log # 1026136/U#09-11, compared to the Statements of Officer B and Officer A taken by Investigator A and the Detective Supplemental Report. (Att # 59, 61, 4 and 39).

During the course of the Area 2 Police-Involved Shooting Investigation, it was discovered that Subject 1 was one of three offenders involved in a separate shooting just prior to this incident at a store located at 2158 E. 71st Street. It was learned that four people had been shot at that time. Area 2 Detectives gave witness accounts on behalf of these victims during the roundtable.

Detective A related to the Roundtable panel that he interviewed three gunshot victims at Northwestern Hospital. The first victim, Witness 1, informed him that he was in the store when the three offenders ran in and began shooting. Witness 1 sustained two gunshot wounds. Detective A then spoke with victim, Witness 2. Witness 2 related that she went into the store and observed ten to fifteen black males in the store and left. Witness 2 heard gunshots and saw the subject holding a gun in his hand as he ran away. Witness 2 sustained a gunshot wound to her lower leg. Detective A then spoke with victim Witness 3. Witness 3 related that he was inside the store and heard three or four gunshots. Witness 3 looked outside the store and saw a black male subject holding a gun in his hand as he ran away. Witness 3 sustained a gunshot wound to his right buttock. Detective A then interviewed victim Witness 4 at John Stroger Cook County Hospital, who related that he was with his cousin, Witness 3, and observed two black male subjects holding guns. Witness 4 saw the offenders fire their guns west on 71st Street and north on Paxton Avenue.

Detective B related to the Roundtable panel that he proceeded to the University of Chicago Hospital where he interviewed victim Witness 5 and Witness 6. Victim Witness 5 sustained a gunshot wound to his right thigh. Detective B stated that Witness 6 and Witness 5 were standing in front of the store when they saw three black males walking north across 71st Street, approaching the store. The three black males discharged firearms several times in the direction of the store.

Detective C related to the Roundtable panel that he interviewed Witness 7. Witness 7 was walking eastbound on the south side of 71st Street when he saw a marked Chicago Police car leave driving west in the eastbound lanes of 71st Street. Witness 7 saw the police car lights and heard its siren as it approached. The police car turned into the alley, at which point Witness 7 saw a male subject standing near a fence in the alley. The police car stopped near the male subject and a few moments later Witness 7 heard gunshots and saw the police officers firing their weapons.

Detective D related to the Roundtable panel that he canvassed the area of the incident and spoke with Witness 8, who is a resident of 7120 S. Merrill Avenue #306. Witness 8 informed him that just before 1900 hours he heard voices outside of his apartment. Witness 8 was in his living room when he heard someone yelling, "Get down!" Witness 8 then heard numerous gunshots, at which point he laid on the floor. Witness 8 did not look out the windows until after the police arrived.

Detective E related to the Roundtable panel that he canvassed the area of the incident and spoke to Witness 9, who is a resident of 7120 S Merrill Ave, #210. Witness 9 informed him that she was in her apartment when she heard numerous gunshots.

Witness 9 then heard someone yell, "Move your hands!" Witness 9 never looked out her window.

Involved Officer B related to the Roundtable panel that he and his partner, Officer A, were driving east on 71st Street, when they heard numerous gunshots in the immediate area. Officer B observed three black male subjects in black "hoodies" crossing the railroad tracks on 71st Street. Officer B stated that the black male subjects were walking north across the tracks. Officer B saw one of the males, now known as Subject 1, holding a handgun. As the officers approached the black male subjects, they ran north on Paxton Avenue. The three black male subjects then turned around and ran south on Paxton Avenue with Officer B and Officer A following in their marked police car. At approximately 7120 S. Paxton Avenue, Subject 1 ran west through a gangway. Officer A exited the police car and pursued Subject 1 on foot. Officer B performed a U-turn and went north on Paxton Avenue turning west onto the eastbound lane on 71st Street. Officer B related that he and Officer A were in contact with each other over the radio throughout the pursuit. Officer B drove south through the parking lot behind the building located at 7120 S. Merrill Ave and pulled up parallel to Subject 1 as he ran south alongside a fence. Officer B ordered Subject 1 to stop and drop his gun. Officer B stopped his vehicle and, as he was opening the driver's side door, he saw Subject 1 turn and point his gun at him from a distance of five to ten feet. Officer B fired his gun several times at Subject 1. Subject 1 fell to the ground and dropped his gun. Officer B secured Subject 1 and assistance was requested. Officer B stated that neither he nor Officer A touched or handled Subject 1's gun in any way.

Involved Officer A related to the Roundtable panel many of the same facts as Officer B. Officer A added that when he first observed Subject 1 walking north across 71st Street, Subject 1 was holding a handgun. Officer A stated that as he chased Subject 1 west from 7120 S. Paxton Avenue, he radioed Officer B to warn him that Subject 1 was still holding the gun as he ran. Officer A related that he saw Subject 1 run south through the parking lot behind the building at 7120 S. Merrill Avenue. He saw Officer B pull alongside Subject 1 as Subject 1 ran south. Officer A stated that he was fifteen to twenty feet behind Officer B and Subject 1 when Subject 1 turned and pointed a gun at Officer B. Officer A explained that he discharged his firearm several times at Subject 1 because he saw Subject 1 pointing a gun at Officer B. Subject 1 dropped the gun and fell to the ground. Officer A stated that neither he nor Officer B touched or handled Subject 1's gun in any way. (Att # 4)

A **Canvass** was conducted and the following witnesses were interviewed: Witness 10, resident of the 7100 block of South Merrill Avenue, related that she saw an individual running in the alley. Witness 10 stated that she was unable to see the shooting because of the high hedges. Witness 10 stated that she heard the police yelling, "Get your hands up!" and then she heard three to five gunshots. Witness 11, resident of 7100 block of South Merrill Avenue, related that he heard yelling between the police and another subject but was unable to decipher what was being said. Witness 11 then heard gunshots. (Att. #12)

A review of the video footage from **POD 306** located at 7100 S. Paxton Avenue, at approximately 1855 hours reveals a male running north on Paxton from 71st Street. He comes to a stop as he observes a body on the ground. The man's back is to the camera. The man then turns south and runs back on Paxton Avenue towards 71st Street and then out of the sight of the camera. (Att. #46)

Witness 7 was interviewed and related essentially the same information as he provided in his Roundtable account. Witness 7 added that as he was leaving the Dominick's Food Store at 71st Street and Clyde Avenue, he observed a Chicago Police car driving eastbound on 71st Street. The police car had one officer in it, and it turned into the Merrill Avenue alley. Witness 7 observed a black male in front of the car. The officer stopped the police car approximately 10 to 20 feet from the subject. The officer opened his door and Witness 7 heard approximately 10 to 15 gunshots. Witness 7 was unable to see the black male's hands because his view was obstructed by the police car. (Att. #44)

The related **Department Reports**, including the On-Call Incident Commander Report, Original Case Incident Reports HR-307312 and HR-306773, the Tactical Response Reports are all essentially consistent in their account of events. (Atts. #6-10, 39-43).

The **Area Two Detective Division Original Case Incident Report** of Detective F and Detective G, indicates the following information: Subject 1 was part of a group that initially shot four people in the vicinity of 71st and Paxton which was "on-viewed" by Officer B and Officer A (Beat 306A)². The officers had been on preventative patrol in the area. Officer B was the driver of the marked squad car and Officer A was the passenger. They heard numerous gunshots and observed Subject 1, armed with a large chrome revolver, standing on the side of the store front at 2158/2160 E. 71st Street. When Subject 1 saw the officers, he turned and fled southbound on Paxton Avenue. The officers pursued him in their squad car until he reached 7120 S. Paxton Avenue, where he then fled westbound through a yard. Officer A got out of the squad car at this point and chased after Subject 1, running westbound through the backyards and alley. Officer B stayed in the squad car and drove parallel to Subject 1's path of flight by traveling westbound in the eastbound lanes of 71st street. Subject 1 eventually fled southbound into the west alley of 71st and Merrill. Officer B pulled up even with Subject 1, announced his office and ordered him to drop his weapon. Subject 1 raised his weapon and pointed it at Officer B. Officer B then discharged his weapon at Subject 1. Officer A, who had been pursuing Subject 1 on foot, was just north of Subject 1 when Subject 1 raised and pointed his weapon at Officer B. Both officers discharged their weapons at him simultaneously.

Shortly thereafter, the Chicago Fire Department arrived at the scene and determined that Subject 1 had no vital signs and was deceased. Area Two reporting

² According to OEMC, the Chicago Police Department Event Query # 0912615412 relates to the on-view shooting report called into OEMC. The Event Query shows a Priority 4, (FP) which indicates an on-view foot pursuit. Unit 306 notes shots fired and a black male being pursued beginning northbound on the 7100 block of Paxton.

detectives observed numerous fired cartridge cases lying in the alley of 7120 S. Merrill Avenue. Subject 1 was observed lying on his back with his head pointed northeast. His clothing showed that he had sustained multiple gunshot wounds to his torso and legs. Directly adjacent to Subject 1's body was a large shiny chrome revolver.

Several area witnesses were interviewed as well, including: Witness 7 and Witness 4. Witness 7 related that he had been visiting his girlfriend at her place of business on 71st Street. He then left to walk to a restaurant at 71st Street and Paxton. As he walked eastbound on 71st Street he observed a squad car traveling westbound on 71st Street in the eastbound lanes. The squad car had its lights and sirens and turned southbound in the west alley of 71st and Merrill. The squad car cut off the offender and he then heard numerous gunshots fired. The offender then dropped to the ground. Witness 4 related that he and his cousin, Witness 3 had gone to the South Shore Pantry Convenience Store at 71st and Paxton. Witness 4 waited outside in his vehicle while his cousin went inside. He stated that there was a large group of people milling around outside the store. He then heard several gunshots fired and observed people running in all directions. He described one of the offenders as a black male around 17 to 18 years old wearing a black hoodie and carrying a silver/chrome handgun. Witness 4 saw this young man fire one gunshot northbound on Paxton Avenue and then fire several gunshots westbound on 71st street. (Att. #39)

Crime Scene Processing Reports indicate that a Taurus .357 Magnum Revolver 4" Barrel, Chrome, Serial #JJ366585 was found in the alley/pavement and listed as "clear but not registered per Montgomery #5856 at 0356hrs."³ The cylinder contained: (2) Federal .38 Special cartridge cases, (1) S&W .38 Special cartridge, (1) R-P .38 Special cartridge case, (1) Speer .38 Special cartridge case and (1) Winchester .38 Special Plus P cartridge case. All cartridges were spent. The gun was inventoried under #11662270. A Sig Sauer P229 9MM Semi Automatic 3 ½" Barrel, Stainless Steel, Serial #AL13293, was recovered from Officer A and inventoried under #11662314. It was listed as clear and registered to Officer A. A Beretta Cougar 9MM Semi Automatic 3 ½" Barrel, Blue Steel Finish, Serial #086054MC, was recovered from Officer B, and inventoried under #1162326. It was listed as clear and registered to Officer B. (Att #13)

A subsequent Crime Scene Processing Report that Evidence Technicians determined was allegedly related to RD #HR-306775, indicates that on 07 May 2009, at approximately 1445 hours (20 hours after the shooting incident), Evidence Technicians located and recovered a Colt Police Positive .38 Special Revolver with Serial #446137, from the north side of the building at 7119 S. Merrill Avenue. It was determined that the gun was not that of an officer and found to be cleared but not registered. The reporting technician also recovered six .38 Special fired cartridge cases from the cylinder of the weapon. "Metal fragments (suspected bullets) were recovered by Witness 12 at 7120 S. Merrill."⁴ Forensic testing was not ordered by CPD nor is there any credible nexus that exists between this gun and Subject 1 himself. (Att. 66)

³ Chicago Police Department Crime Scene Report #84202, RD #HR-306775

⁴ Crime Scene Processing Report #84260, page 3.

Evidence Technician Photographs and the Crime Scene Videotape depict the locations of the incidents, the recovered evidence and photos of the deceased, Subject 1 and his clothes. The photos show the scene of the initial shooting including fired evidence and what appears to be blood on the floor. The photos further show the area of the police-involved shooting, including the police car, fired evidence and a weapon. (Atts. # 13, 14, 19-23, 27).

The **Chicago Fire Department (CFD) Ambulance Records** reflect that Witness 1 was sitting in the doorway of the store and had been shot in the stomach and foot. Witness 2 was found lying on the pavement with a gunshot wound to her left leg. Witness 1 and Witness 2 were taken to Northwestern Memorial Hospital. Witness 3 was taken by CFD Ambulance to the John H. Stroger Jr., Hospital. Witness 3 suffered a gunshot wound to the back of his right leg, under the buttocks. Mr. Witness 5 went to the University of Chicago Hospital on his own. Chambers sustained a gunshot wound to his right thigh. (Att. # 34-36)

The **Autopsy Report of Dr. A of the Cook County Medical Examiner's Office** dated 07 May 2009, indicates that Subject 1 died of multiple gunshot wounds. Subject 1's clothing was initially examined and showed gunshot wound defects in the sweatshirt, T-shirt, sleeveless T-shirt, blue jeans and black pants. Doctor A diagnosed 12 separate gunshot wounds, bilateral hemothoraces (blood accumulating in the pleural cavity or space between the lungs and the walls of the chest) on both lungs, and a hemoabdomen (accumulation of blood in the abdominal cavity). Notably, gunshot wounds were located in the following areas: two entrance wounds on the anterior left chest—one that passed through the right ventricle of the heart, the right lung and then exited the right upper back and the second that passed through the right 5th rib. The second bullet in this location was recovered from the muscles of the right chest wall. One entrance wound on the left lower back that passed through the small intestine, the pancreas, liver, diaphragm, 4th rib and muscles of the right chest wall. This bullet was also recovered from the muscles of the right chest wall. Doctor A notes that this wound caused massive bleeding in the right chest cavity. There was one wound in the left chest that passed through the left 8th rib, the lower lobe of the left lung, the left ventricle of the heart, the right atrium of the heart and the right lung. This wound also caused massive bleeding in the left and right chest cavities. Subject 1 had one entry wound on the lateral left arm, one on the right wrist (this bullet was also recovered from Subject 1's right wrist), one on the anterior right thigh, two on the posterior left thigh, two on the anterior left leg (one of which passed through the tibia and left fibula and left bullet fragments) and finally, one on the posterior left leg. According to Doctor A, the cause of death was multiple gunshot wounds, and the manner of death a homicide. (Atts. #37, 56)

The report from the **Illinois State Police, Division of Forensic Services ("ISP")** dated 10 Aug 2009, recorded under Laboratory Case #C09-18008 states that ISP received the subject's gun and 6 varying cartridge cases under Inventory #11662270 (see report dated 17 August 2009 below for identification of individual exhibits noted in this report). Examination revealed no latent impressions suitable for comparison. (Att. #55)

The report from the **Illinois State Police, Division of Forensic Services (“ISP”)** dated 17 August 2009, indicated the following: Exhibit #1, the firearm recovered near the body of Subject 1, a Taurus model #689, 357 Magnum caliber revolver, Serial #JJ366585 was examined and found to be inoperable as received due to a loose fitting cylinder rod. The weapon was rendered operable and test fired. The six discharged cartridge cases were recovered from the cylinder of the Taurus model #689 revolver which was found lying on the cement parking pad off the alley at 7131 S. Jeffrey. The cartridge cases were submitted with the Taurus model 689 (Exhibits #2-6). After examination it was determined that all of them were fired from the Taurus revolver.

Officer A’s Sig Sauer (Exhibit #7), model P229, 9 mm Parabellum caliber semi-automatic pistol, serial #AL13293 was examined and found to be in firing condition and test fired. The magazine capacity of Officer A’s Sig Sauer was 13 +1. Exhibit #9, which contained two Winchester 9mm Luger + P caliber unfired cartridges were used to test fire the Sig Sauer. Exhibit #10, which is one magazine, was found to fit and function in the Sig Sauer. Exhibit #15, one fired bullet, Exhibit #18, ten Winchester 9mm Luger + P caliber fired cartridge cases, and Exhibit #19, one Speer 9mm Luger caliber fired cartridge case, were found to have been fired from Officer A’s Sig Sauer.

Officer B’s Beretta, Model 8000D Cougar (Exhibit #11), a 9mm Parabellum caliber semiautomatic pistol, serial #086054MC was examined and found to be in firing condition and test fired. The magazine capacity of Officer B’s Beretta was 15 +1. Also submitted with Officer B’s Beretta were exhibits #13-14. Exhibit #13 consists of five Winchester 9mm Luger +P unfired cartridges that were used to test fire Officer B’s weapon and Exhibit #14 is one magazine that was found to fit and function in Officer B’s weapon. Exhibits #20 and #21, which consisted of two fired bullets, were fired from Officer B’s weapon. Finally, Exhibits #23 and #24, a Winchester 9mm Luger + P fired cartridge case and eight Winchester 9mm Luger + P caliber fired cartridge cases, were all fired from Officer B’s weapon.

Of additional note, Exhibit 17 contained five fired bullets which were found to have been fired from Officer B’s Beretta. The bullets were recovered from the body and clothing of Subject 1 while at the Office of the Cook County Medical Examiner.⁵ However, two fired jacketed bullet fragments (17B1A and 17B1B) met with inconclusive results. 17B1A could not be identified or eliminated as having been fired from Officer A’s gun but was not fired from Subject 1 or Officer B’s gun. 17B1B could not be identified or eliminated as having been fired from Subject 1’s, Officer B’s or Officer A’s gun or from the gun that the .38 caliber bullet in Exhibit 22 was fired from. (Att.# 13, 15, 39, 54)

The **Office of Emergency Management and Communications (OEMC)** recordings and related Event Query provided information consistent with the Summary Incident. (Atts. #18, 47, 68-84)

In a statement with IPRA on 8 July 2010, **Involved Officer A**, related that on 6 May 2009, he was working with his partner, Officer B. Officer A stated that he and his

⁵ See Report of Postmortem Examination, Attachment 56.

partner were dressed in plain clothes and were in a marked police car. Officer A related that they were on patrol, traveling westbound on 71st Street. Officer B was driving. Officer A related that he observed three subjects wearing black hoodies going northbound on Paxton Avenue. Officer A related that they almost ran into the subjects because the subjects had changed directions, turning south on Paxton. It was at this point he saw a male, later identified as Subject 1, with a large chrome handgun, running south down Paxton Avenue.

Officer A thought at this point he had already notified OEMC regarding the shots fired and foot pursuit of Subject 1 and the two other unidentified males.⁶ Officer A related that they were chasing the subjects and he provided OEMC the location where he was exiting the car. Subject 1 ran west through a driveway and Officer A pursued Subject 1 on foot. Officer A saw Officer B paralleling them in their vehicle. Officer B was driving west on 71st Street, in the eastbound lane. Officer A radioed Officer B to make the first left which is the west alley of Merrill Avenue behind the Dominick's Food Store. Subject 1 ran southbound and Officer A saw him through the fence. At that time, Officer A related that Officer B went southbound, through the alley, placing Officer B in front of Officer A. Officer A stated that he came around the corner and he was approximately fifteen to twenty feet away and he observed that Officer B was approximately five to ten feet from Subject 1. Officer A related that as Officer B opened the car door and Subject 1 turned around and pointed a gun at Officer B. Officer A related that he remembered that Officer B yelled "Drop the gun!" or something to that effect.

Officer A stated that he and Officer B fired their weapons simultaneously. Officer A stated that Subject 1 did not initially drop his weapon and they continued firing to eliminate the threat. Subject 1 finally fell and they handcuffed him. Officer A called over the radio for an ambulance and informed OEMC that shots had been fired by the police. Officer A stated that they established a crime scene and secured Subject 1's gun⁷. Other uniformed officers arrived and taped off the scene. Officer A and Officer B remained on the scene until an ambulance and Captain Johnson arrived.

Officer A stated that Subject 1 was approximately fifteen to twenty feet in front of him with the police car to his right. Officer A stated that he had an unobstructed view of Subject 1. Officer A related that Officer B was shooting from inside the police car. At the time of the incident, it was still light out. (Att. #59)

In a statement with IPRA on 13 July 2010, **Involved Officer B**, related that he was working on 6 May 2009, with his partner, Officer A and they were assigned to beat 306A. Officer B stated that they were in plainclothes and they were in a marked police car. Officer B was driving. Officer B stated that while driving on 71st Street and

⁶ According to OEMC, the Chicago Police Department Event Query # 0912615412 relates to the on-view shooting report called into OEMC. The Event Query shows a Priority 4, (FP) which indicates an on-view foot pursuit. Unit 306 notes shots fired and a black male being pursued beginning northbound on the 7100 block of Paxton.

⁷ In the Statement of Witness Police Officer B # 10791 dated 13 July 2010, Officer B notes "We did protect the crime scene. We pushed the gun several feet from him."

approaching Paxton Avenue, he heard numerous gun shots. Officer B observed a black male (now identified as Subject 1) with a hoodie, who was holding a large silver handgun. Subject 1 ran south on Paxton Avenue from the corner and Officer B made a left turn (southbound) onto Paxton Avenue to follow him. Officer B stated that he could still see the gun in Subject 1's hand as he ran west through a driveway. Officer B related that at this point, Officer A exited the car and pursued Subject 1 on foot. Officer B placed the police car in reverse and backed up to 71st Street.

Officer B stated that he drove west on 71st Street in the eastbound lane. Officer B stated that while driving, he heard Officer A instruct him to make a left into the first alley. Officer B turned left into the alley and he saw Subject 1 with a gun in his right hand. Subject 1 emerged from the gangway and was now in front of Officer B. Subject 1, with his back to Officer B, continued running south. Officer B stated that it appeared that Subject 1 was getting tired so he drove the police car parallel to Subject 1. Officer B stated that he yelled something to the effect of "Police, drop the gun." As he was saying that, Subject 1 turned to his own left, nearly 360 degrees and was facing Officer B. Officer B was still sitting in the police car, driver's side. Subject 1 was approximately 10 to 15 feet away. As Subject 1 was turning, the gun was at his side and he was raising it and Subject 1 then pointed his gun at Officer B. Officer B stated that he had removed his weapon from his holster while driving. Officer B had his gun in his right hand. The driver's side door was open and Subject 1 did not drop his gun as instructed. Subject 1 pointed his gun in the direction of Officer B who began to fire. Officer B remembered hearing Officer A shooting and Subject 1 fell to the ground.

Officer B stated that they handcuffed Subject 1 immediately and notified dispatch of shots fired by the police. Officer B stated that they requested emergency medical service and a supervisor. Officer B stated that they pushed Subject 1's gun several feet from him. Officer B stated that Subject 1 never responded verbally to them prior to being shot. Officer B stated that he held the car door open with his left foot as he aimed over his chest with both hands on his gun when he fired his weapon. The door was open and there was nothing blocking Officer B's view. Officer B stated that it was daylight when the shooting occurred. (Att. #61)

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer B and Officer A was in compliance with the Chicago Police Department policy. According to the Chicago Police Department's General Order 02-08-03.III:

- A. "A sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:
 1. to prevent death or great bodily harm to the sworn member or to another person, or:

2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which 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 or inflict great bodily harm unless arrested without delay.”

The actions of Officer B and Officer A were in accordance with sections (A)(1) and (A)(2) of CPD’s Deadly Force Policy. Officer B and Officer A, while on patrol, heard shots fired and observed Subject 1 holding a handgun. Subject 1 did not follow instructions to put the gun down. Subject 1 was chased and pointed his weapon in the direction of Officer B. Both Officer B and Officer A then fired their weapons in fear of their lives striking and fatally wounding Subject 1. Officer B and Officer A gave consistent accounts of the incident and a weapon was recovered on the scene. Therefore, based upon the totality of the circumstances, Officer B and Officer A were reasonably in fear of their lives and fired at Subject 1 in order to prevent death or great bodily harm.