

INDEPENDENT POLICE REVIEW AUTHORITY  
LOG#1026622 /U#09-15

**INVESTIGATION**

**NUMBER:** LOG #1026622 / U#09-15

**OFFICER**

**INVOLVED:** “Officer A” (Chicago Police Officer); Male/Black; 28 years old;  
On-Duty; In Civilian Dress; Year of Appointment – 2005

**OFFICER**

**INJURIES:** None reported.

**SUBJECT:** “Subject 1”; Male/Black; 21 years old

**SUBJECT’S**

**INJURIES:** One gunshot wound to the right heel. Treated and released at  
Christ Hospital.

**INITIAL**

**INCIDENT:** Street Stop.

**DATE/TIME/  
LOCATION OF**

**INCIDENT:** 22 MAY 2009, 1337 hours, 8109 S. Elizabeth Street, (outside).  
Beat 613.

**SUMMARY OF INCIDENT:**

On 22 MAY 09, at approximately 1335 hours, Chicago Police Officers A and B, assigned to Beat 665B, in civilian dress, in a marked vehicle, as part of the Robbery/Violent Crime Mission Team, were conducting aggressive patrol in the area of the 8100 block of South Elizabeth Street. Officer B was the driver. Officer A was the passenger. As they neared the corner of 8101 S. Elizabeth Street and drove north on Elizabeth Street, Officers A and B observed three black male subjects walking south, from the corner of 81<sup>st</sup> and Elizabeth Street. One of the subjects, now known as Subject 1, was clutching with his right hand, the front part of his waistband, which was bulging. Officer B stopped the vehicle and Officer A exited to conduct a field interview.

Officer A announced his office and summoned Subject 1 to him. Subject 1 ignored Officer A and fled on foot through a gangway at 8109 S. Elizabeth Street. Officer A pursued Subject 1 as he continued to announce his office and yell for Subject 1 to stop. While in the gangway, Officer A observed Subject 1 use his right hand to remove a large blue steel revolver from his front waistband and then turn toward Officer A and point the weapon in Officer A's direction. In fear of his life, Officer A fired two shots at Subject 1, striking Subject 1 once on the right foot. Subject 1 tossed the weapon to the ground and continued to flee through the gangway, toward an alley. Officer A immediately recovered the weapon and continued to pursue Subject 1. When Officer A reached a gate that lead to the alley, he observed Subject 1 lying on the ground. Officer B arrived and assisted Officer A with taking Subject 1 into custody. Subject 1 was transported to Christ Hospital by Chicago Fire Department (CFD) Ambulance #24, where he was treated for a gunshot wound to the right heel and listed in good condition.

**INVESTIGATION:**

On 22 MAY 2009, at approximately 1852 hours, a Roundtable Discussion Panel was conducted regarding the police involved shooting of Subject 1. One responding detective, CPD Detective 1, Unit 620, and the involved officers, Officers A and B, were present.

**Officer B related to the Roundtable panel** an account that was consistent with the Summary of Incident and stated that he was wearing a blue shirt, a black vest, blue jeans and his star clearly visible on his vest. Officer B was driving north on Elizabeth Street, when he and Officer A observed three black male subjects walking south on Elizabeth Street. One of the subjects, now known as Subject 1, was holding his bulging waistband with his right hand. Officer B stopped the squad car. Officer A exited the squad car, announced his office and directed Subject 1 toward him. Subject 1 continued to walk south on Elizabeth Street and then began running. Officer A pursued Subject 1 on foot through a gangway located at 8109 S. Elizabeth Street. Officer B remained in the squad car and heard two gunshots as he drove around the corner of 81<sup>st</sup> Street, where he observed Subject 1 in the alley lying down on the ground.

**Officer A related to the Roundtable panel** an account that was consistent with the Summary of Incident and the account of Officer B and stated that he was wearing a yellow t-shirt, a black vest, blue jeans and his star clearly visible on a neckchain, outside his vest. While pursuing Subject 1, Officer A observed Subject 1 reach inside his waistband, remove a handgun from the same, turn sideways and point the handgun at him. In fear of his life, Officer A unholstered his weapon and fired twice in Subject 1's direction. Subject 1 threw the handgun to the ground, on his right side, and continued to flee. Officer A quickly recovered the handgun and continued to pursue Subject 1. When Officer A reached a gate that lead into the alley, he observed Subject 1 lying on the ground. Officer B arrived and assisted Officer A with taking Subject 1 into custody. Officer A handed Subject 1's handgun to an unknown assisting officer.

**CPD Detective 1 related to the Roundtable panel** that he responded to Christ Hospital and interviewed Subject 1. Subject 1 informed CPD Detective 1 that he exited his home, located at 8XXX S. Elizabeth Street, while in possession of a revolver, and joined his friends. When they observed the police approaching in a squad car, Subject 1 walked away and then fled eastbound through a gangway and attempted to "dump" the handgun. Subject 1 heard gunshots and fell as a result of sustaining an embedded gunshot wound to the right heel.

**In a statement to the Independent Police Review Authority (IPRA) on 22 May 2009, the subject, Subject 1,** stated that he was walking north, on the east side of Elizabeth Street, toward 81<sup>st</sup> Street, near an area where some of his neighbors, namely Potential Witness , were standing. At the time, Subject 1 was in possession of a concealed black, .38 caliber handgun. Subject 1 heard someone yell, "There's police," and reacted by turning around and walking south on Elizabeth Street, opposite the direction of a marked squad car that was driving north on Elizabeth Street. The

passenger officer, now known as Officer A, instructed Subject 1 to “Come here.” Subject 1 ignored Officer A and fled east into a gangway—toward an alley. Before he reached the alley, Subject 1 removed the handgun from his right front pants pocket and dropped it on the ground. Subject 1 entered the alley and was shot, from behind, in the foot. Subject 1 denied ever pointing or firing the handgun at the police and stated that he never heard any officer say anything to him while he was running.

Attempts to contact the witness, Potential Witness, were met with negative results.

A **canvass** was conducted. Two citizens, one of which refused to identify himself, were interviewed. (Att. #20).

**During a conversation with IPRA Investigator A, on 23 May 2009, Witness 1**, who resides at XXXX S. Elizabeth, stated that she was walking south on Elizabeth Street, near the house located at 8109 S. Elizabeth Street, when she observed an unknown black male subject, now known as Subject 1, run past her onto the side of the house and into the gangway. Witness 1 turned around and observed an unknown casually dressed black male, now known as Officer A, exit a marked squad car and run into the same gangway. As Witness 1 continued to walk down the street, she heard two shots fired. Witness 1 did not observe anyone fire a weapon or in possession of a firearm.

**During a conversation with IPRA Investigator A, on 23 May 2009, the witness, an unknown black male**, who resides at XXXX S. Elizabeth Street, stated that he was sitting in a chair, in the grass, when he observed a male/black subject, known to him as “[First Name],” now known as Subject 1, standing in the area with two unknown black male subjects. A marked squad car, occupied by two unknown casually dressed officers, stopped in the street, near the area Subject 1 and the two unknown subjects were standing. One of the officers, now known as Officer A, instructed Subject 1 to “Come here.” Subject 1 ignored Officer A and fled through a gangway, toward the rear of a house located at 8109 S. Elizabeth Street. The two unknown black male subjects did not flee. Officer A exited the squad car with a gun in his hand, pursued Subject 1 on foot, and fired two shots toward the rear of the gangway where Subject 1 fled. The unknown black male never observed Subject 1 in possession of a firearm.

The **Arrest Report** of Subject 1 documented an account of the incident that is consistent with the Summary of Incident and the accounts provided at the Roundtable. The report further noted that Subject 1 was charged with Aggravated Assault and Unlawful Use of a Weapon (UW).

The **General Offense Case Report** documented an account of the incident that is consistent with the Summary of Incident, the accounts provided at the Roundtable and the narrative Arrest Report.

The **Case Supplemental Reports** documented an account of the incident that is consistent with the Summary of Incident, the accounts provided at the Roundtable and the narratives of the Arrest and Case Reports.

The **Tactical Response Report (TRR)** from Officer A showed that Officer A fired his weapon two (2) times.

The **Officer's Battery Report (OBR)** from Officer A showed that Officer A, during a chase, fired his weapon (2) times at Subject 1 after Subject 1 pointed his weapon at him.

The **Weapon's Discharge Report** from CPD Commander A documented an account of the incident that is consistent with the Summary of Incident, the accounts provided at the Roundtable, the narratives of the Arrest and Case Reports and the information contained in the TRR and OBR.

The **Chicago Fire Department (CFD) Ambulance Record** reported that Emergency Medical Technicians (EMTs) responded to a call of a gunshot victim at 8100 S. Racine Ave. and found Subject 1 shot in his right foot. Subject 1 was transported to Christ Hospital where he was treated.

The **Medical Records** from Christ Hospital revealed that Subject 1 sustained a gunshot wound to his right foot while running from the police. Subject 1 was treated and released into police custody.

A report from the **Illinois State Police, Division of Forensic Services (ISP)**, dated 01 July 2009, reported that Officer A's weapon, a 9 Milometer Smith and Wesson, was test fired, found to be in firing condition and had a barrel that had rifling characteristics of five lands and grooves with a right hand twist.

A report from **ISP**, dated 07 October 2009, reported that Subject 1's weapon and ammunition, a revolver and 6 live cartridges, did not reveal any latent impressions suitable for comparison. A subsequent report, dated 30 October 2009, showed that the revolver was test fired, found to be in firing condition and had rifling characteristics of five lands and grooves with a right hand twist.

A report from **ISP**, dated 21 October 2009, reported that the Gunshot Residue Collection Kit administered to Subject 1 showed that he may not have discharged a firearm with either hand.

The **Office of Emergency Management and Communications (OEMC)** Recording(s) of relevant transmissions made by both citizens and Department Personnel and related Event Queries provided information consistent with the Summary of Incident, including the reporting of shots fired by the police and ambulance request.

The **Evidence Technician Photographs and Video Tape** depicted the location of the incident and the location of recovered evidence. Crime scene photographs further showed Subject 1's injuries.

**In a statement with IPRA, on 15 June 2011, Officer B** provided an account of the incident which was similar to the account he provided at the Roundtable. On the date and time of this incident, Officers A and B were assigned to Beat 665B, in civilian dress and in a marked vehicle. While on routine patrol in the vicinity of 8109 South Elizabeth, three male subjects were observed on the corner. The males looked in the direction of Officers A and B and then walked in separate directions. One of the subjects, Subject 1, was observed to have a large object underneath his shirt tucked in his waistband, which Officers A and B believed to be a weapon. Officers A and B exited the vehicle, at which point, Subject 1 fled on foot. At this point, Officer B returned to the vehicle and observed Subject 1 run eastbound through a gangway. Officer A pursued Subject 1. Officer B was driving eastbound on 81<sup>st</sup> Street when he heard two (2) gunshots. Officer B made a right turn into the alley, facing southbound, and observed Subject 1 on the ground. Officer B assisted Officer A in placing Subject 1 into custody. Officer B did not observe his partner fire his weapon.

**In a statement with IPRA, on 23 June 2011, Officer A** provided an account of the incident which was consistent with the account he provided at the Roundtable and that of his partner, Officer B. Officer A related that upon his exit from the marked squad car, he announced his office and ordered Subject 1 to come to him. It was at that time that Subject 1 fled south on Elizabeth Street to the location of 8109 South Elizabeth Street. Officer A pursued him. While Subject 1 was running through the gangway, Officer A observed him attempting to remove an object from his waistband with his right hand. Officer A related that from his location, which was approximately ten to fifteen (10-15) feet behind Subject 1, it appeared as if the object was stuck as Subject 1 was pulling in an upward motion. Officer A had his weapon unholstered because he was in fear that Subject 1 was armed. Once Subject 1 was able to get the object from his waistband, he moved in a manner which Officer A described as a "gangster lean" and pointed a handgun at him.<sup>1</sup> It was then that Officer A fired his weapon twice, striking Subject 1 in the foot. After Officer A fired the shots, he observed Subject 1 drop his gun, run out of a fence and collapse in an alley. Officer B arrived in the alley and assisted Officer A in taking Subject 1 into custody. Officer A was not injured during this incident.

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<sup>1</sup> Officer A described a "gangster lean" as Subject 1 leaning forty five (45) degrees to the right and his right arm across his shoulder.

**CONCLUSION AND FINDING:**

This investigation found that the use of deadly force by Officer A was in compliance with Department policy and State statutes. According to the Chicago Police Department's General Order No. 02-08-03, III:

“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 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.”

The actions of Officer A were in accordance with the requirements of the Department's Use of Deadly Force policy. Officer A's reactions were solely based on the actions of Subject 1. Officers A and B attempted to conduct a field interview with Subject 1, who was observed with a bulge at his waistband. Subject 1 ran and Officer A pursued him. During the pursuit, Subject 1 pointed a weapon at Officer A. Officer A was reasonably in fear for his life when Subject 1 pointed a weapon at him, causing Officer A to discharge his weapon striking Subject 1 in the foot.