

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1026755/ U# 09-16

INVESTIGATION

NUMBER: Log #1026755, U #09-16

INVOLVED OFFICER: “Officer A” (Chicago Police Officer); Male/White; 30 years old; On-Duty; In Full Uniform; Year of Appointment – 2006

INVOLVED OFFICER’S INJURIES: Fractured left thumb, sprained right knee, bruises and abrasion to both knees and hands. Treated and released from UIC Hospital.

INVOLVED SUBJECT: “Subject 1”; Male/Black; 43 years old

SUBJECT’S INJURIES: Multiple gunshot wounds, fatal. Subject pronounced at the scene at 2004 hours, by Medical Examiner Robinson, #68.

DATE/TIME OF INCIDENT: 27 May 2009, 1856 hours

LOCATION OF INCIDENT: 4332 W. Washington Boulevard, in the rear.
Beat 1114

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SUMMARY OF INCIDENT:

On 27 May 2009 at approximately 1846 hours, Officer A and his partner, Officer B, were on patrol and assigned to Beat 1533. The officers monitored a radio transmission from Beat 1595 regarding the description of a stolen vehicle (Honda Accord) and the license plate number. Officers A and B then observed the vehicle in traffic near Washington Boulevard. and Laramie Avenue. Officer A activated his emergency equipment in an attempt to stop the vehicle, but the vehicle did not stop. Officers A and B notified the Office of Emergency Communication (“OEMC”) via their radio of the vehicle’s location while pursuing the stolen vehicle. The pursuit ended when the vehicle crashed into an abandoned building located at 4357-59 W. West End. The driver of the vehicle, identified later as Subject 1 and two female passengers, one identified later as Witness 1, and an unknown black female, exited the stolen vehicle and fled on foot. Officer A followed Subject 1, on foot and Officer B chased Witness 1, who ran east on West End, on foot. The unknown female escaped the area.

A short distance away, at the location of 4339 W. West End, Officer B apprehended Witness 1 and took her into custody. Officer A also apprehended Subject 1 a short distance away in the rear yard of 4332 W. Washington Boulevard. Officer A attempted to place Subject 1 in to custody, but Subject 1 began to struggle to defeat the arrest. Subject 1 was face down while Officer A attempted to handcuff him. During the struggle, while both men were on the ground, Subject 1 grabbed Officer A’s holster and pulled it off his utility belt. The gun was still in the holster. Officer A flipped Subject 1

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onto his back and the struggle continued. Officer A knew other officers were in the area, so he began shouting for assistance because he did not want to release the holster to use his radio. Officer A and Subject 1 continued to struggle and Subject 1 repeatedly threatened to kill Officer A. Officer A and Subject 1 both got to their feet at which time, Officer A was able to gain control of his firearm from Subject 1's grip. Officer A took a step back to put some distance between them at which point Subject 1 lunged for Officer A's firearm. In fear for his life, Officer A fired his firearm approximately seven times causing Subject 1 fall to the ground. Assisting Officer C, and Officer D, arrived, secured the area and called for medical assistance for Subject 1. A short time later, paramedics arrived. Subject 1 was pronounced dead at the scene. Officer A was transported to UIC Hospital for injuries to his hands and knees. Officer A sustained a fractured left thumb and bruises and abrasions to his hands and knees. All involved parties relocated to Area Four Detective Division for further investigation.

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On 28 May 2009, a **Roundtable** panel was conducted regarding this officer-involved shooting. Three involved officers appeared before the Roundtable panel.

Officer C related to the Roundtable panel that while on-duty, he monitored a call of a vehicle pursuit in the vicinity of Kilbourn and West End. At that point, Officer C went to the location of the pursuit. Upon his arrival, Officer C exited his vehicle on West End between Kostner and Kildare and observed Officer B taking a female, identified as Witness 1, into custody. Officer C realized that there was another offender who ran southbound, so Officer C ran in this direction. Officer C ran east on West End then south through the gangway of a vacant building into the alley. As he approached 4332 W. Washington Boulevard, Officer C heard a commotion and observed Officer A struggling with a black male, later identified as Subject 1, near a house. Officer C ran toward Officer A and Subject 1. According to Officer C, Officer A and Subject 1 were facing each other. As Officer C ran around a car parked at the rear of 4332 W. Washington Boulevard, he heard approximately five gunshots in rapid succession. Officer C stated that Officer A's back was to him, thus blocking Officer C's view of the firearm, but Officer C could see that Subject 1 was standing in front of Officer A. Officer C did not know who fired the weapon or who was shot at that point. Officer C ran toward Officer A who turned toward him. Officer A was exhausted from the struggle and Officer C assisted him to the ground. Officer C placed Officer A's gun on the ground and checked Officer A for gunshot wounds.

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Officer D related to the Roundtable panel that he monitored a call from Beat 1595 that they had a positive hit on a stolen Honda Accord. Beat 1533, Officers A and B, responded over the radio that they observed the Honda Accord and were in pursuit eastbound on West End. Officer D then headed eastbound. Officer D arrived at the location where the Accord had crashed and started running south through a gangway into an alley. According to Officer D, Officer C was running southbound one house east of where Officer D was located. Officer C was approximately 15 feet in front of Officer D when they got to the alley behind 4332 W. Washington Boulevard. Officer D stated that he observed Officer A struggling with a black male, identified later as Subject 1, over an unidentified object. Officer D saw that they both had their hands on the object. According to Officer D, Officer A and Subject 1 were facing each other. As Officer D got closer to the rear of a parked car at the entryway to the back yard, Officer D saw Officer A pull the object from Subject 1. Officer D then heard five or six gunshots in rapid succession and saw Subject 1 fall to the ground. Officer D then provided Officer A with assistance. Officer A appeared physically exhausted. Officer D observed that Subject 1 had a handcuff on his left wrist.

Officer A related to the Roundtable panel that he was in full uniform and driving a marked squad car. Beat 1595 reported over the police radio that they had a positive hit for a stolen Honda Accord on their license plate reader. Officer A, the driver of the squad car, drove to the intersection of Fulton and Lockwood Avenue. to meet Beat 1595 to obtain the license plate number and description of the stolen vehicle. Officers A and B then started touring the area and observed the stolen Honda Accord getting ready to make

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a turn on to Laramie Avenue. Officer B reported over the radio that they had found the Accord as they followed it northbound on Laramie Avenue. Officer A followed the Honda Accord to the southeast corner of Kostner and West End, where the Honda Accord crashed into a building after attempting to make a right turn onto Kostner. The driver, later identified as Subject 1, and two black female passengers, one later identified as Witness 1, and an unknown female, began running. Officer A parked the squad car and ran after Subject 1, repeatedly announcing that he was a Chicago Police officer and ordering Subject 1 to stop running. Officer A followed Subject 1 approximately 15 feet behind him to the rear yard located at 4332 W. Washington Boulevard. Upon reaching the backyard, Subject 1 attempted to lock the gate preventing Officer A from entering the backyard. Officer A entered the backyard and he and Subject 1 began to fight. Officer A successfully placed Subject 1 on the ground, on his chest, but Officer A could not handcuff Subject 1 because he would not get his hands from under his body. Officer A successfully placed one handcuff on Subject 1's left hand. At this time, Subject 1 reached for Officer A's holstered gun and ripped it off of Officer A's utility belt. Officer A released the handcuff to regain his gun. Subject 1 was holding Officer A's holstered gun as he turned on his back and pointed the gun at Officer A. Subject 1 had the gun pointed at Officer A's head. Officer A and Subject 1 began to struggle and Subject 1 repeatedly threatened to kill Officer A. During the struggle, Officer A gained control of his gun and he and Subject 1 got to their feet. At this time, Officer A got both of his hands on his gun, removed the holster and threw it to the ground. Officer A was approximately one foot away from Subject 1, when Subject 1 attempted to reach for Officer A's gun. Officer A fired his gun seven times and Subject 1 fell to the ground. Other officers arrived and

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called for an ambulance. Officer C took Officer A's gun and Officer A fell to the ground in exhaustion. Officer A later went to UIC Hospital where he was diagnosed with a fractured left thumb and bruising to his right knee.

In an interview with IPRA on 28 May 2009, **Witness 1** stated that she was walking on Pine Street when she saw Subject 1 driving a car. Subject 1 stopped the car and asked where she was going and he offered her a ride, which she accepted. Witness 1 stated that an unknown black female occupied the front passenger seat. Witness 1 stated that Subject 1 made a quick stop at a store and, as they were driving on Lake Street, Subject 1 became very paranoid. As Subject 1 turned off Lake Street down an unknown street, Subject 1 saw a police vehicle driving west on Lake Street. Witness 1 stated that Subject 1 continued driving on West End and began looking through his rear view mirror, when he saw a police car was behind them with the "blue light." Subject 1 began driving like a "bat out of hell," and at that time Witness 1 closed her eyes. Subject 1 then crashed into a fence. Witness 1 stated that after the car crashed, she "flew" to the front portion of the car striking the dashboard with her body. Witness 1 did not know the black female in the front seat.

In an interview with IPRA on 27 May 2009, **Witness 2** stated that she was at home in bed when she heard people arguing outside. Witness 2 looked out her bedroom window and saw a police officer wrestling with someone on the grass near the walkway behind the building two doors down from her building. Witness 2 stated that she could not see the person the officer was wrestling with. The officer had a gun on his hip and she

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believed the officer was wearing a vest. The officer appeared to be trying to handcuff the other person but the other person was trying to get the officer's gun. Witness 2 called 911 to request assistance for the officer. Witness 2 then looked out her rear patio door to see if other police officers were coming. Witness 2 was still on the telephone with 911 when she heard a gunshot, followed by a pause, followed by more gunshots. Witness 2 stated that she heard a total of 6 gunshots. Witness 2 screamed and threw her phone. Witness 2 did not look out the window again. She called her fiancé and sister, and a short time later they came over to her house. Witness 2 stated that police officers broke the door down of the building to enter the building because Witness 2's sister told the officers that there might be a hostage in Witness 2's building. Witness 2 stated that her upstairs neighbor was taken into custody.

In an interview with IPRA on 27 May 2009, **Witness 3** stated that she was at home watching television when she heard loud voices outside in the front of her home. Witness 3 saw a black female exiting a vehicle. The female walked into a condo several houses down. Witness 3 stated that she heard more voices but did not know where the voices were coming from. According to Witness 3, the yelling persisted and was followed by several gunshots (approximately 4) in rapid succession. Witness 3 then walked to her back bedroom window, which was open and she observed a uniformed officer standing near a black garbage can. The officer was bending over and then fell to the ground. Witness 3 believed the officer was "shaken up," might have been shot. Another police officer arrived and asked the officer who fell if he had been shot. Another police officer arrived and stood over the individual that was shot.

In an interview with IPRA on 27 May 2009, **Witness 4** stated that he was at home watching television with his son when he heard approximately 6 gunshots in a rapid succession. Witness 4 went to the back of his apartment and saw several officers running toward a police officer who was kneeling on the ground and appeared to be injured. The officer kneeling stood up while holding his chest. Witness 4 stated that he opened the front door and allowed the officers inside the apartment.

Attempts to contact **Witness 5**, via a personal visit to her residence and by United States Postal Service were unsuccessful.

A **canvass** of the location of incident did not produce any additional witnesses to the incident.

The First Deputy Report submitted by the On Call Incident Commander A, in essence, related that the same information as contained in the Roundtable Panel Report.

The related **Chicago Police Department Reports**, including the Original Case Incident Reports (RD# HR344576, HR344186 and, HR340568), Tactical Response Report (TRR), Officer's Battery Report, and the Supplementary Reports (RD# HR344576, HR344186 and, HR340568), provide accounts of the incident that are consistent with the Summary of the incident. The Case Incident report and Supplementary report relative to RD# HR340568 indicated that the vehicle (Honda

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Accord) driven by Subject 1 during the incident belonged to [Car Owner]. [Car Owner] was the last person driving the vehicle, which was reported stolen on 25 May 2009, between approximately 1600 to 1920 hours, from X N. Sangamon St., Chicago IL.

The Case Incident report and Supplementary report relative to RD# HR344186 indicated that Officer A related to detectives that he learned of a stolen vehicle with license plate "9XXXXXX" in the vicinity of where he was patrolling. Officer A drove around and observed the stolen vehicle with three occupants in the vicinity of Washington Boulevard. and Lockwood Avenue. Officer A activated the emergency lights and siren and followed the vehicle. The driver lost control of the vehicle and struck a six foot tall wrought iron fence, then came to a stop at a vacant three story apartment building located at 4357-59 W. West End. The driver of the vehicle, later identified as Subject 1, ran eastbound in the front yard of the vacant building, then southbound in a large side yard east of the vacant building and continued running until he reached the rear of 4332 W. Washington Boulevard. Officer A followed Subject 1 into the rear yard behind a two story apartment building at this location where Subject 1 and Officer A began to struggle. Officer A took Subject 1 to the ground and attempted to handcuff him, successfully placing one handcuff on Subject 1's left wrist. With his right hand, Subject 1 reached for Officer A's handgun, which was in its holster. Officer A released Subject 1's left wrist and the two began to struggle over the handgun. They both got on their feet and Subject 1 repeatedly told Officer A that he was going to kill him. During the struggle the muzzle of the handgun was pointed at Officer A's head at which point Officer A believed he was going to be shot. Officer A shouted for other officers to assist him. Officer A

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eventually gained control of the handgun, which was still in the holster, and Officer A then drew the handgun from the holster as Subject 1 continued to reach for it. Officer A, in fear for his life fired his handgun at Subject 1. Officer A fired his handgun until Subject 1 fell to the ground.¹ A short time later, additional officers responded and came to Officer A's aid.

Officer A sustained a fractured thumb and abrasions to his hands and knees for which he obtained medical care at UIC hospital. Subject 1 sustained several gunshot wounds to his body and he was pronounced dead at the scene by Medical Examiner Inv. Robinson, #68 at 2004 hours. On 09 May 2009, Doctor A performed an autopsy on Subject 1 and determined the cause and manner of death to be Multiple Gunshot Wounds (MGSW)/Homicide.

Officers C and D gave accounts of the incident to detectives that essentially reiterated the same accounts of the incident as they related to the roundtable panel.

Officer E related to the detectives that he was on duty, working beat 1533, while searching the yards for Officer A and Subject 1, when he heard multiple gunshots and went to the rear yard at 4332 W. Washington Boulevard. Officer E saw Subject 1 lying on the ground and Officer E handcuffed Subject 1. Officer E stated that Officer A collapsed to the ground, apparently exhausted.

¹ According to the TRR report, Officer A fired his handgun a total of 7 times.

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Officer B related to the detectives that he saw Officer A pursue Subject 1 on foot, and then saw a black female, later identified as Witness 1, exit the front passenger door of the stolen vehicle Subject 1 was driving. Officer B pursued Witness 1 on foot and apprehended her in front of 4339 W. West End.

Officer F related to detectives that he was working beat 1595 and his marked squad car was equipped with a license plate reader. While on routine patrol, the license plate reader signaled a stolen vehicle and Officer F made a U-turn in an attempt to locate the stolen vehicle. Officer F also radioed the stolen vehicle's information via Zone 12. Beat 1533² reported on Zone 12 that they had located and were following the stolen vehicle.

Witness 1 related to detectives essentially the same account of the incident as she related to IPRA Investigator B on 28 May 2009, at Area 4. Witness 2 refused to provide the detectives with a statement. Witness 2 stated that she provided IPRA Investigator A with a statement regarding what she observed during the incident. The detectives then spoke with IPRA Investigator A who related what Witness 2 observed during the incident.

The **Case Incident report and Supplementary report** relative to RD# HR344576 contained the same information as indicated in case report HR-344186

² Officers A and B were assigned to Beat 1533.

The **Chicago Police Traffic Crash Report** recorded under **RD# HR344324**, dated 27 May 2009, indicated that the vehicle driven by Subject 1 was traveling eastbound on West End when he lost control and struck a fence at 4359 W West End. The vehicle driven by Subject 1 was reported stolen.³

The **Chicago Fire Department (CFD) Ambulance Report** indicated paramedics responded to 4332 W. Washington Boulevard. when Chicago Police Officers declared a crime scene and the paramedics' services were cancelled by CFD Engine 95.

An **Illinois State Police, Division of Forensic Services** report, dated 03 September 2009 indicated that Officer A's weapon (Sig Sauer, model P226, 9 mm Luger semiautomatic pistol serial #U745921) was examined and found to be in firing condition and test fired.

An **Illinois State Police, Division of Forensic Services** report, dated 30 July 2009 indicated that no latent impressions suitable for comparisons were found on Officer A's firearm.

An **Illinois State Police, Division of Forensic Services** report, dated 27 October 2010 indicated that swab samples from Officer A's weapon and firearm holster were compared to Subject 1's DNA. In a separate report dated 14 January 2011 the DNA profiles identified on Officer A's firearm and holster were interpreted as a mixture of two people. Subject 1 could not be excluded from the mixture of DNA profiles.

³ The 2004 Honda Accord, License Plate #9XXXXXX was owned and registered to [Car Owner].

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IPRA Investigator C completed a To/From/Subject Report relative to **POD videos** dated 27 May 2009, between 1800 hours and 2030 hours, for multiple locations. POD video #193, located at 4402 W. Washington Boulevard., depicted two unmarked squad cars driving westbound on Washington Boulevard with their emergency lights activated. Three unknown plainclothes officers are running westbound on Washington Boulevard. at 1902 hours, and approximately a dozen squad cars are seen parked on Washington Boulevard., and other squad cars are parked at Kostner with their emergency lights activated. A CFD fire engine is also depicted on scene.

POD #105, located at 4402 W. Washington Boulevard depicted three marked squad cars driving westbound on Kostner Avenue. with their emergency lights activated. Two of the three squad cars turn left onto the alley heading eastbound and the third squad car continues northbound on Kostner Avenue and turns left onto the same alley. The Honda Accord is stationary in front of the yard at 4357-59 W. West End and a black iron gate in the front yard is on the ground. Several squad cars are parked nearby, and bystanders are gathered around the area. Several uniformed officers are walking in the vicinity. At 1900 hours a CFD fire truck and two ambulances arrived at the scene.

PODS #153, #496, and #196 did not depict relative footage for the incident under investigation.

The **Office of Emergency Management and Communications (OEMC)** Event Query and recording of calls provide information consistent with the Summary of

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Incident. In addition, a caller reported that they heard shots fired in the alley in the vicinity of 4338 W. Washington Boulevard. Other callers reported that a black male wearing a black colored jacket, and reportedly a drug dealer, is the shooter.

The Crime Scene Processing Report and Evidence Technician Photographs and Video Tape depicted the location of the incidents, the locations of the recovered fired evidence, Officer A's injuries, and Subject 1's body at the scene and at the Cook County Medical Examiner's Office.

The Report of Postmortem Examination, Office of Medical Examiner, County of Cook, Illinois, of Subject 1, indicated that Subject 1 had multiple abrasions about his body, multiple gunshot wounds to his back, chest area and abdomen, sharp force penetrating injury on the upper right back, and a semi-lunar abraded injury on the midline of his lower back. Subject 1 also had multiple electrocardiogram leads on his chest and abdomen, which was evidence of receiving medical care. The report indicated that there is no evidence that Subject 1 was shot at close-range. The manner of death was Homicide.

The **Toxicologic Analysis** report indicated that Subject 1 tested positive for Carbon Monoxide and Benzoyllecgonine, a metabolite of Cocaine.

In an interview with IPRA on 09 June 2009, **Witness 6** stated that on 27 May 2009, at approximately 1856 hours, he was the passenger in his girlfriend, Yolanda Carter's vehicle, which she was driving. The two were headed westbound in the alley

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between Washington Boulevard. and West End when they encountered a black male running in the middle of the alley between Kostner and Kildare. Witness 6 stated that the black male appeared to be holding a handgun. A white male uniformed officer arrived in the alley and appeared to be chasing the black male. Carter stopped her vehicle and Witness 6 observed the black male run southbound towards Washington Boulevard. and then turn into a gangway. Witness 6 saw that the black male threw the gun to the ground as he was running. The officer who was running after the black male caught up to him and they both began to struggle and wrestle. Witness 6 observed that the officer grabbed the black male's arms from behind and the black male yelled, "help, help, he is going to try to kill me." At that point, Carter and Witness 6 exited their vehicle. Witness 6 walked northbound towards West End and Carter walked westbound in the alley towards Kostner. When Witness 6 arrived at West End he observed another white male officer apprehending a young black male. Witness 6 shouted to the officer, "Hey the guy with the gun is over there!" and pointed to the location where the other officer was apprehending the black male who had the handgun. Witness 6 stated that at that point he heard 7 to 9 gunshots in a rapid succession. The officer that was apprehending the young male ran towards the location of the gunshots. Witness 6 stated that additional officers arrived and instructed nearby citizens, including Witness 6, to leave the area and Witness 6 complied.

In an interview with IPRA on 29 July 2009, **Witness 7** stated that on 27 May 2009, at approximately 1856 hours, she was at home when she heard someone shouting outside. A moment later Witness 7 heard what sounded like gunshots outside. Witness 7

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got down on the floor and then heard another two or three gunshots. A short time later Witness 7 stood up, looked out her kitchen window, and observed several police officers in the rear in the alley. Witness 7 had no knowledge of what had occurred.

The **Circuit Court of Cook County, Illinois County Department-Law Division, Amended Complaint at Law** (10 L 6250) alleged that Officer A unlawfully used deadly force against Subject 1.

In a statement to IPRA on 25 March 2010, **Witness Officer E** provided an account consistent with the Summary of Incident, indicated in Department reports. Officer E related that he was driving a marked squad car when he heard over the police radio that there was a vehicle pursuit and upon learning the direction of the pursuit he immediately relocated in that same direction. At some point as he was driving, he learned that the pursuit had terminated in a crash at West End near Kostner Avenue. Upon arriving at the scene, Officer E observed Officer B taking one of the occupants of the vehicle into custody. Officer E learned that the other offender had fled on foot southbound through the yards and that Officer B's partner had chased after him. Officer E began to run southbound through the yards when he heard approximately five shots fired in rapid succession. Officer E reached the alley after passing through the yard, and ran in the direction of the fired shots where he saw Officer A bent down with his hands on his knees as if catching his breath. The offender, now known to be Subject 1, was lying on the ground. Officer E heard another officer make a radio call of shots fired and requested an ambulance. Officer E observed Subject 1 momentarily move, but not speak.

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Moments later Subject 1 stopped moving and appeared to have expired. Officer E related that he was not an eyewitness to the shooting.

In a statement to IPRA on 13 June 2011, **Witness Officer G** provided an account consistent with the Summary of Incident, indicated in Department reports. Officer G added that he and his partner, Officer E, were on patrol when they heard a call over the police radio about a stolen vehicle that a beat car was pursuing. It then was reported over the radio that the stolen vehicle had crashed on West End. Officer G and his partner drove to the crash site and encountered Officer B taking one of the occupants from the stolen vehicle into custody. Officer B told Officer G that Officer A had given foot chase to the other offender, southbound toward the alley. Officers E and G, along with other responding officers, ran through a yard and down a gangway where they reached a dead end with a locked fence. Officer G heard several shots fired in rapid succession but did not see the shooting occur due to the garage that was blocking his view east of him in the gangway. The officers began to jump over the gate as Officer G ran eastbound down the alley. Officer G reached an open backyard and observed Officer A sitting on the ground and Subject 1 lying on the ground about twenty feet away from him.

In a statement to IPRA on 08 April 2010, **Witness Officer D** provided an account consistent with the Summary of Incident, indicated in Department reports, and the account he provided to the Roundtable panel. Officer D reported that he was working regular patrol when he heard a call of a police chase involving a stolen vehicle. Officer D drove to the direction where the pursuit was heading. Upon arriving at the scene, Officer

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D learned that the offenders had fled on foot and that one of the officers had given chase to one of the offenders eastbound down the alley. Officer D ran through the yards in the direction where he believed the officer and offender to be. After cutting through the yards, Officer D reached the alley, ran westbound, and observed Officer A struggling with the offender, now known to be Subject 1 in a backyard ahead of him. It appeared that Officer A and Subject 1 were struggling for control of a handgun. Both Officer A and Subject 1 were each pulling away trying to gain control of the weapon. Officer D observed Subject 1 fall back and Officer A pull back with control of the gun and then shoot Subject 1. Subject 1 fell to the ground. Officer D was about fifty feet away from Officer A and Subject 1 when Officer A fired his weapon at Subject 1. Upon reaching the scene, Officer D observed that Subject 1 had been struck by the gunfire and Officer D ran to the front of the house to obtain an address, report the incident, and request an ambulance.

In a statement to IPRA on 07 June 2011, **Witness Officer H** provided an account consistent with the Summary of Incident, indicated in Department reports. Officer H added that he and his partner, Officer D, were on regular patrol when they heard on the police radio that beat 1595 was monitoring a stolen vehicle and that the stolen vehicle drove off which resulted in a vehicle pursuit. The stolen vehicle was reported over the radio to have crashed on West End. Officers D and H arrived at the crash site and Officer B, who was apprehending one of the occupants, related that Officer A had given foot chase to the other offender, now known as Subject 1, southbound toward the alley. Officer H and several other officers ran through a yard and a gangway which led to a

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locked chain link fence that divided the gangway and the alley. The fence was approximately seven feet tall and it was difficult to get over it. Officer H began to give other officers a boost to jump over the gate and, while doing so, he heard gunfire coming from the alley. Officer H also crossed over the fence and ran eastbound in the alley in the direction of the gunfire and observed Officer A lying on the ground while having his bullet proof vest removed from him by Officer D. Subject 1 was lying on the ground while Officer E was securing both of his hands with handcuffs. Several officers were heard over the police radio requesting medical assistance. Officer H was unable to recall how many shots he heard and did not observe Officer A fire his weapon.

In a statement to IPRA on 27 April 2010, **Witness Officer C** provided an account consistent with the Summary of Incident, indicated in Department reports, and the account he provided to the Roundtable panel. Officer C related that he was working routine patrol when he heard over the radio that there was a police pursuit of a stolen vehicle. Officer C immediately relocated himself in the direction of the vehicle pursuit. While still driving, Officer C heard over the radio that the vehicle pursuit had ended in a crash. Officer C drove to the scene of the crash where he learned from one of the officers on the scene, who was apprehending one of the offenders from the stolen vehicle, that the other officer, now known to be Officer A, had given chase to the offender, now known to be Subject 1, southbound down the alley. Officer C ran down a yard, through a gangway, and into an alley where he observed Officer A struggling with Subject 1 over a firearm. Officer C was about fifty to sixty feet away in the alley when he observed this and continued running toward Officer A to assist him. As he neared the struggle, Officer C

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heard two or three gun shots in rapid succession and observed Officer A pull back. Officer C observed Subject 1 fall to the ground and not move. Officer A was observed catching his breath and Officer C laid him down on the ground to assist him.

In a statement to IPRA on 27 April 2011, **Witness Officer I** provided an account consistent with the Summary of Incident, indicated in Department reports. Officer I added that he and his partner, Officer C, were working regular patrol when he heard a police radio transmission regarding a stolen vehicle that a squad car had attempted to stop. The stolen vehicle was reported to have driven away and the officers gave chase to it. Officer I heard over the radio that the stolen vehicle had crashed and the occupants of the stolen vehicle had fled on foot. Upon arriving at the crash scene, Officers C and I were informed by other officers of the direction in which the offender had fled. Officer C exited the vehicle and ran in that direction. Officer I drove his car eastbound on West End to go around the block in search of the fleeing offender. Officer I was driving westbound on Washington when he heard multiple shots fired. Officer I also heard a radio transmission reporting shots fired. Officer I stopped his vehicle, exited, and ran through a yard to find Officer C standing in the backyard of 4332 W. Washington. The offender was lying on the ground in that same yard with a handgun on the ground. Officer I heard several requests for an ambulance by radio transmission. Officer I did not witness the shooting occur.

In a statement to IPRA on 08 June 2010, **Involved Officer A** provided an account of the incident consistent with the Summary of Incident, indicated in the Department

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reports, and the account he provided to the Roundtable panel. Officer A stated that after Subject 1 struck the fence, he ran after Subject 1 while his partner secured two passengers in the car that Subject 1 had been driving. Officer A stated that he followed Subject 1 to a gangway at 4332 W. Washington Boulevard, where Officer A grabbed Subject 1 by the collar of his shirt and tossed him to the ground, causing Subject 1 to fall on his stomach. Officer A repeatedly ordered Subject 1 to show his hands as Officer A placed a handcuff on Subject 1's left wrist. With his right hand Subject 1 grabbed onto Officer A's gun and ripped it off Officer A's belt while he spun around on his back. Subject 1 then attempted to shoot Officer A in the head. Officer A stated that Subject 1 had a grip of the handle of his gun, the gun was partially in its holster, and the other pieces of the holster were on the ground. Officer A grabbed the muzzle of the gun with both his hands and pushed it away from his head. Officer A and Subject 1 continued to struggle, pulling and tugging each other, as Subject 1 told Officer A that he was going to kill him. Officer A regained control of his gun, and stood up from the ground with Subject 1. Officer A pushed Subject 1 and pushed Subject 1 away from him. Subject 1 repeated his threat that he was going to kill Officer A while he lunged at Officer A. In fear for his life, Officer A fired seven shots in rapid succession and Subject 1 fell to the ground. Officer A then fell to the ground and Officer C arrived on scene. An ambulance was called a short time later. Officer A stated that he sustained a fractured left thumb and bruised knees from the incident, for which he received medical care at UIC hospital.

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CONCLUSION AND FINDING:

This investigation found that 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 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."

Officer A's actions were in accordance with both conditions of CPD's deadly force policy. Officer A observed Subject 1 driving a vehicle that was reported stolen when he attempted to stop the vehicle. Subject 1, the driver of the stolen vehicle, refused to pull over for police and instead accelerated in an attempt to escape. Officer A gave chase of Subject 1. Subject 1 crashed the stolen vehicle into an iron fence on West End and then fled on foot. Officer A gave chase of Subject 1, pursuing him through a gangway, over a fence, and down an alley to the backyard of 4332 W. Washington where he caught up to him. Officer A grabbed Subject 1, threw him to the ground on his stomach, and placed one handcuff on him. Subject 1 turned around and ripped the holster

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off Officer A's belt with the gun still partially in the holster. Officer A struggled for control of the gun with Subject 1 on the ground and at some point the muzzle of the gun was pointed toward Officer A's head while Subject 1 threatened that he was going to kill Officer A. During the struggle, Officer A was able to shout for officers that were in the area in search of Subject 1 and Officer A. Officer A was able to re-gain control of his weapon and then they both stood back up. Officer A pushed Subject 1 away from him and took a few steps back. Subject 1 again stated that he was going to kill Officer A and lunged at him and Officer A, in fear for his life, fired his weapon seven times in rapid succession. Subject 1 fell to the ground, then Officer A dropped his gun and fell to the ground to catch his breath. Several officers arrived on scene shortly after, called for an ambulance, and assisted Officer A in removing his vest. Therefore, based on the totality of the circumstances, Officer A was reasonably in fear for his life and fired at Subject 1 to prevent death or great bodily harm.