

**INVESTIGATION**

**NUMBER:** U #09-31, Log #1028269

**OFFICER**

**INVOLVED#1:** "Officer A" (Chicago Police Officer); Male/White; 34 years old; On Duty; Civilian Dressed; Year of Appointment – 2000

**OFFICER #1'S**

**INJURIES:** One gunshot wound through and through the left ankle. Taken to Christ Hospital for treatment.

**OFFICER**

**INVOLVED#2:** "Officer B" (Chicago Police Officer); Male/Hispanic; 28 years old; On Duty; Civilian Dressed; Year of Appointment – 2006

**OFFICER #2'S**

**INJURIES:** None reported

**OFFICER**

**INVOLVED #3:** "Officer C" (Chicago Police Officer); Male/White; 28 years old; On Duty; Civilian Dressed; Year of Appointment – 1993

**OFFICER #3'S**

**INJURIES:** One gunshot wound to the right calf. Taken to Christ Hospital for treatment.

**SUBJECT:** "Subject 1"; Male/Black; 22 years old

**SUBJECT'S**

**INJURIES:** None

**INITIAL**

**INCIDENT:** Officers were serving a search warrant.

**DATE/TIME**

**OF INCIDENT:** 16 July 2009, at approximately 1258 hours

**LOCATION:** 31 E. 112<sup>th</sup> Place; Beat 0531

## **SUMMARY OF INCIDENT:**

On 16 July 2009, at approximately 1258 hours, officers from the narcotics team, Unit 189, attempted to serve a search warrant at 31 E. 112<sup>th</sup> Place, 2<sup>nd</sup> floor. CPD Sergeant A, Officer B, Officer D, Officer A and Officer C went to the rear entrance of the residence. They announced their presence, stating that they had a search warrant. After receiving no response, they forced entry using a battering ram on the door. Officers entered the apartment and immediately observed Witness 4, Witness 5, and three children sleeping in the room they entered. Officers observed a locked door to the left of the room that they entered. Officer C knocked on the door and after receiving no response, he and Officer A kicked in the bottom of the door causing it to crack and open. Shots were then fired from the locked room. Officer C was struck in the right calf, and Officer A was struck in the ankle. Officers A and B returned fire at the offender, identified as Subject 1. Subject 1 was not struck and surrendered to officers. Chicago Fire Department personnel (EMS) transported Officers A and C to Christ Hospital for treatment.

## **ROUNDTABLE REPORT**

At the Roundtable, **Officer E** provided an account that was consistent with the Summary of Incident. In addition, Officer E, who was carrying the “battering ram”, was the first officer to enter the apartment. He observed a black/female subject, identified as Witness 1, run from the kitchen and to another area of the apartment. Officer E then heard a gunshot coming from the south end of the apartment. He observed Officer C run into a room near the front (north) of the apartment. Officer E then heard more shots being fired from the south end of the apartment as he tried to clear the remaining rooms. Officer E then went to assist Officer C and learned that he and Officer A had been shot.

At the Roundtable, **Officer B** related an account that was consistent with the Summary of Incident. In addition, Officer B added that he was the second officer to enter the apartment. Officer B positioned himself over Witness 4 and Witness 5, who were in a bed with three juveniles. Officer B then observed a closed door to his left. Officers A and C attempted to open the door, but it was locked. Officer C kicked the door and the bottom part of the door gave way. At the same time, shots were fired from inside the locked room. Officer C ran from the door yelling that he had been hit. Officer B dropped to his knee and observed Subject 1, holding a gun, through the opening in the door. Officer B yelled, “police” while firing at Subject 1, who was firing at Officer B. Officer B continued to yell for Subject 1 to surrender when he (Subject 1) crawled through the door was taken into custody by Officer B.

At the Roundtable, **Officer D** related an account that was consistent with the Summary of Incident. In addition, Officer D added that he was the third officer

to enter the apartment. Officer D observed Witness 1 run from the kitchen into a bedroom. As Officer D approached the bedroom he heard shots fired and took cover. Officer C ran towards him and stated that he was shot. Officer D took Officer C to the front bedroom and rendered medical aid.

At the Roundtable, **CPD Sergeant A** related an account that was consistent with the Summary of Incident. In addition, CPD Sergeant A added that he entered the apartment behind Officer A. CPD Sergeant A was the last one to enter the apartment. CPD Sergeant A stood in the doorway of the apartment and observed Officer C kick the locked door. At that time, CPD Sergeant A heard several shots coming from the locked room. CPD Sergeant A took cover and called for assistance. Officer A returned fire while Officer C fled the room. CPD Sergeant A then observed Subject 1 surrender and crawl through the broken half of the door.

**CPD Detective 1** stated to the Roundtable panel that she interviewed Officers A and C at Christ Hospital. Officer A stated that while executing a search warrant he observed Witness 1 and several children. Officer A kicked in the door panel of a closed door and heard shots being fired. Officer A realized that he had been struck by gunfire and relocated to the porch area and took cover. Officer A observed Subject 1 inside the locked room holding a gun. Fearing for Officer B' life (who was in front of the door), Officer A fired his weapon through the window.

Officer C stated to CPD Detective 1 that he observed a shut door upon entering the apartment. Officer C attempted to open the door and found it to be locked. Officer C kicked at the door and shots were fired from inside the locked room. Officer C was struck and ran into a bedroom.

At the Roundtable, Witness 1 stated that she was standing in the front bedroom with her daughter and granddaughter when she heard the police yell, "Get down! Don't move motherfuckers!" Witness 1 went to the hallway to see what was going on and saw a police officer coming towards her with a gun and ordering her to get down. Witness 1 heard one of the officers say that an officer had been shot.

At the Roundtable, Witness 2 stated that she was in the bathroom when she heard someone yell, "Get down, get down!" Witness 2 went into a bedroom and heard shots being fired. Witness 2 then ran into the front bedroom to get her daughter and observed a police officer, identified as Officer C, bleeding. Officers escorted Witness 2 outside and placed her in a police vehicle.

At the Roundtable, Witness 3 stated that she heard a police officer yell, "Get down" before hearing somebody shooting. Witness 3 went into a bedroom and observed that Officer C had been shot. Witness 3 was then told to go into the living room before everyone was escorted out of the building.

## IPRA INVESTIGATION

In a **statement** with IPRA on 16 July 2009, **Subject 1** stated that he was at home sleeping in a room at the back of the house when he heard screaming from one of the other rooms in the house. He thought that someone had gotten into the house. Subject 1 grabbed his gun from under his mattress and after his bedroom door was kicked in, he saw blue jeans and shoes and fired his gun toward them. Subject 1 stated that he believed he fired one time. After Subject 1 fired his weapon, someone yelled, "I'm hit!" He then realized that the people in the home were the police. He was ordered to show his hands and he put the gun down and put them through the broken half of the door. He was taken out of the house and handcuffed. Subject 1 stated that he never heard anyone yell that they were the police, or identify themselves as police officers.

In a **statement** with IPRA on 16 July 2009, **Witness 1** provided essentially the same version of the incident that she provided at the roundtable.

The **witness, Witness 4** refused to cooperate with this investigation.

In a **statement** with IPRA, **Witness 2** provided essentially the version of the incident that she provided at the roundtable.

In a **statement** with IPRA, **Witness 3** provided essentially the same version of the incident that she provided at the roundtable.

In a **statement** with IPRA, **Witness 5** stated that she was in the bedroom with Witness 4, and her three children. The police entered the room with their guns drawn and stated, "Put your motherfucking hands up," repeatedly. Officers A and C knocked on Subject 1's bedroom door and received no answer before kicking in the bedroom door. Witness 5 then heard two shots, but followed by additional shots. Subject 1 was pulled out of his bedroom and taken into custody.

The **Tactical Response Report** from Officer C indicates that he did not fire his weapon.

The **Tactical Response Report** from Officer A indicates that he fired his weapon at Subject 1 fourteen times.

The **Tactical Response Report** from Officer B indicates that he fired his weapon at Subject 1 twenty-three times.

Officer A's **Battery Report** indicates that he was shot in the left ankle.

Officer C's **Battery Report** indicates that he was shot in the right calf.

Officer B **Battery Report** indicates that he did not sustain any injuries.

**Department Reports** document an account of the incident that is consistent with the Summary of Incident. Subject 1 was charged with Attempted Murder-First Degree, Aggravated Battery-Firearm/Officer/Fireman, and Possession of a Controlled Substance.

The **Crime Scene Processing Report** documents that a H & R, Model 22, 22 Caliber, 9 Shot Revolver was recovered at the scene with four rounds fired and five live cartridges. The revolver was inventoried under number 1173004. Officer A's weapon, a 9mm Sig Sauer, Model P228, was inventoried under number 11729808. Officer B's weapon, a 5.56mm DSA, Model M-4, was inventoried under number 11729832.

The **Chicago Fire Department (CFD) EMS incident Report** documents that on 16 July 2009, at 1307 hours, EMT's responded to the scene and observed Officer A with a gunshot to his left ankle. Officer A was transported to Christ Hospital.

The **Chicago Fire Department (CFD) EMS incident Report** documents that on 16 July 2009, at 1318 hours, EMT's responded to the scene and observed Officer C with a gunshot to his right calf. Officer C was transported to Christ Hospital.

A report from the **Illinois State Police, Division of Forensic Services**, dated 18 August 2009, documents that both Subject 1 and Witness 4 tested positive gunshot residue (PGSR).

Officer A's weapon, a 9mm Sig Sauer, Model P228, was test fired and found to be in firing condition. Officer B' weapon, a 5.56mm DSA, Model M-4, was test fired and found to be in firing condition.

In a **statement** with IPRA, on 16 September 2009, **Officer B** provided essentially the same version of the incident that he provided at the Roundtable. Officer B added that he was in plainclothes wearing a vest that read "Chicago Police."

In a **statement** with IPRA, on 17 November 2009, **Officer CPD Sergeant A** provided, essentially the same version of the incident that he provided at Roundtable. CPD Sergeant A added that he was in plainclothes wearing a Chicago Police windbreaker with Chicago police on the front and back.

In a **statement** with IPRA on 16 September 2009, **Officer E** provided essentially the same version of the incident that he provided at the Roundtable. Officer E added that he was in plainclothes wearing a Chicago Police raid vest.

In a **statement** with IPRA on 20 January 2010, **Officer D** provided essentially the same version of the incident that he provided at the Roundtable. Officer D added that he was in plainclothes with his badge visible on the side of his duty belt next to his weapon.

In a **statement** with IPRA on 20 January 2010, **Officer C** stated that he arrived at the location of the incident to execute a search warrant. Officer C was in plainclothes with his badge visible around his neck. Officer C stated that when they arrived at the location they announced their office in a loud manner so that the occupants could hear the verbal commands. After no response, Officers D and E made forced entry, using a ram to open the door and enter the residence.

Officer C stated that he entered the residence with his weapon drawn and observed a locked door and began to kick the door to make entry. Officer A then kicked the door, but the door did not open. Officer C then heard several gunshots coming from behind the door and suddenly felt a sharp burning sensation on the back of his right calf. Officer C shouted that he had been shot and went to the front of the residence to a bedroom. The next thing that Officer C recalled was being in an ambulance. Officer C did not fire his weapon.

In a **statement** with IPRA on 09 February 2010, **Officer A** stated that he arrived at the location of incident to execute a search warrant. Officer A was in plainclothes with his badge visible. Officer A stated that when they arrived at the location they announced their office, but received no response. After no response, forced entry was made into the residence. Officers D and E went directly into the kitchen where a female black subject, Witness 1, was with some kids. Officer A then observed a door that was shut.

Officer A attempted to force entry on the door before he was then shot in his lower left leg. Officer A went down to his knees, and saw Subject 1 standing up directly behind the door shooting. Officer A fired his weapon through the window at Subject 1 until his leg collapsed as the result of being shot.

**CONCLUSION AND FINDING:**

This investigation found that the use of deadly force by Officers A and B 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."

Officers A and B actions were in accordance with both conditions of CPD's deadly force policy. Officers A and B entered XX East 112<sup>th</sup> Place with a search warrant. Upon entering the residence, Officers A and C were fired upon and struck by Subject 1. Officers A and B, in fear for their lives and the lives, of other officers at the location, fired their weapons.