

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1030025/U# 09-38

**INVESTIGATION**

**NUMBER:** Log #1030025/U# 09-38

**INVOLVED**

**OFFICER:** “Officer A” (Chicago Police Officer); Male/Black; 40 years old; Off Duty; Civilian Clothes; Year of Appointment – 1995

**OFFICER’S**

**INJURIES:** None Reported

**SUBJECT:** “Subject 1”; Male/Black; 17 years old

**SUBJECT’S**

**INJURIES:** Gunshot wound to upper left back – Deceased

**DATE/TIME:** 11 September 2009, 1509 Hours

**LOCATION:** 6938 S. Eberhart Avenue  
Beat 322

**INVESTIGATION**

In an in-person interview on 11 September 2009, with IPRA, the **shooting victim**, **Shooting Victim** related that on 10 September 2009, he and several friends were on the corner of 68<sup>th</sup> and Martin Luther King Drive when “[Name Withheld]”<sup>1</sup> and several other young men approached the bus stop, including an unknown man later identified as the Shooter.<sup>2</sup> Shooting Victim related that once at the bus stop, the Shooter bumped into Shooting Victim and stated, “Watch where you’re going.” They exchanged words and one of the unknown men stated to Shooting Victim, “We’ll come back tomorrow!” The Shooter and the others left the area.

The next day, 11 September 2009, Shooting Victim and his friends, [Name Withheld], [Name Withheld], Witness 1, also known as [Initials Withheld], and Witness 7<sup>3</sup> and his cousin, Witness 2, were on the northwest corner of 68<sup>th</sup> and Martin Luther King Drive. Shooting Victim observed a group of young men walking north toward him and his companions on the east side Martin Luther King Drive. The approaching group of

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<sup>1</sup> Identified by Shooting Victim as a light-skinned black male, 150lbs, 5’6” who is either a brother or cousin to Subject 1.

<sup>2</sup> Identified by Shooting Victim as a 17-19 yoa black male with caramel skin, 6’ tall, 180 lbs., who was either a brother or cousin to Subject 1. Further police investigation into the shooting of Shooting Victim revealed that Witness 5 was identified in Police Reports as the shooter of Shooting Victim.

<sup>3</sup> No further contact information

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young men included the victim, now known as Subject 1<sup>4</sup>, “[Name Withheld],” and the Shooter.

As the group of young men approached, Shooting Victim and the Shooter debated fighting “one on one.” The Shooter then reached for a gun that Subject 1 had in his front waistband. When Shooting Victim saw the gun, he started to run southbound on Martin Luther King Drive toward 71<sup>st</sup> Street. Shooting Victim turned back and observed the Shooter fire at him. Shooting Victim fell to the ground. As Shooting Victim lay on the ground, he heard three to four more gunshots in the direction of Vernon Ave.<sup>5</sup> (Att # 12).

In an in-person interview on 14 September 2009, with IPRA, Witness 1, also known as [Initials Withheld], related that on 11 September 2009 he and his friends, Shooting Victim, Witness 2, Witness 7, “[Name Withheld]” and “Witness 6” were walking toward the corner of 68<sup>th</sup> Street and Martin Luther King Drive. As Witness 1 and his companions walked toward Martin Luther King Drive, a group of black male subjects, including Subject 1<sup>6</sup>, approached him and Shooting Victim. Subject 1 removed a black handgun from his waistband and yelled, “I don’t give a fuck, I’ll kill anyone of you niggas.”

Other young men on the scene attempted to calm the situation and suggest that “[Name Withheld]” and Shooting Victim fight each other one on one. As “[Name Withheld]” and Shooting Victim prepared to fight, Subject 1 handed the black handgun to “[Name Withheld].” “[Name Withheld]” turned and fired two times at Shooting Victim. Shooting Victim fell to the ground. “[Name Withheld]” attempted to discharge the weapon a third time, but the gun jammed and he then tossed the weapon to Subject 1. Subject 1 then fled eastbound on 69<sup>th</sup> Street. Moments later, Witness 1 heard what he described as four gunshots. Witness 1 related that at the time of incident Subject 1 was wearing a “maroon hoodie.”<sup>7</sup> (Att# 18)

In an interview on 14 September 2009 with IPRA, **Witness 2** stated that he and Witness 1, (known to him as [Initials Withheld]) and someone only known to him as [Initials Withheld] were on the western corner of the intersection of 69<sup>th</sup> and Martin Luther King Drive waiting for Shooting Victim. There were a number of minors from nearby high schools in the area because everyone heard that there was going to be a fight. Witness 2 overheard three unknown males state that whoever got off the bus would be going to “get whup.”<sup>8</sup>

Several young men, including Subject 1,<sup>9</sup> who was wearing a grey hoodie, and a black male, now known as Witness 5, who wore a black t-shirt with a rosary-like chain

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<sup>4</sup> Identified by Shooting Victim only by first name “Subject 1” and further described as a 17-18 yoa black male, who is a student at Dyett High School, wearing a dark hoodie. Shooting Victim reported that he knew Subject 1 from the bus stop and basketball games.

<sup>5</sup> Vernon Avenue is one block east of Martin Luther King Drive.

<sup>6</sup> Witness 1 knew that Subject 1 attended Dyette high school , NFI.

<sup>7</sup> A sweater with a hood attached

<sup>8</sup> Street slang for “fight”

<sup>9</sup> Witness 2 met Subject 1 for the first time earlier in the day on 11 Sept 2009

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and a Gucci bag, exited the bus on the southwest side of Martin Luther King Drive. As Subject 1 exited the bus he pulled out a gun and asked, "Who the man who jumped on my brother?" Subject 1 and his companions left.

A few moments later, Shooting Victim and his friends arrived on the scene. Witness 2 informed Shooting Victim of Subject 1's question. A few moments later, Witness 2 observed Subject 1 and two young males approaching from 71<sup>st</sup> Street. Subject 1 now had on a burgundy jacket and another black male had on a grey hoodie. Subject 1 and his friends, approached the group of males standing around and asked, "What's up?" Subject 1 pulled out a gun and stated, "Man, who jumped on my brother? Who jumped on my cousin? One of y'all jumped on him!" Witness 5, identified Shooting Victim as being involved in the prior altercation.

An agreement was made to have Shooting Victim and Witness 5 fight one-on-one. The two stepped onto the street at Martin Luther King Drive but as Witness 5 and Shooting Victim prepared to fight, Witness 5 stated, "F-that" and tried to go into Subject 1's pocket and get the gun. Subject 1 held his hand to his waist and stated, "Nah." Subject 1 threw his hands in the air and Witness 5 removed the gun from Subject 1' pocket.

Witness 2 was standing next to Shooting Victim, and together they ran southbound on the sidewalk of Martin Luther King Drive. Witness 2 heard a shot. Witness 2 did not see who fired the shot, but he saw Shooting Victim fall to the ground. Shooting Victim attempted to get to his feet, but fell back to the ground and Witness 5 stood over him and it appeared to Witness 2 that Witness 5 tried to fire but the gun appeared to be jammed. Witness 5 then ran towards 68<sup>th</sup> Street. Witness 2 stated that he did not observe the direction in which the others ran. Witness 2 related that he used Shooting Victim's mobile phone and contacted "911." While holding Shooting Victim, Witness 2 heard several shots from the vicinity of 67<sup>th</sup> Street and Vernon. (Att# 21)

In an interview on 11 September 2009, with IPRA, at Area Two Police Headquarters **Witness 3**, related that on 11 Sept 2009, she was on the #3 King Drive bus traveling northbound in the area of 69<sup>th</sup> and Martin Luther King Drive. While on the bus, Witness 3 observed her brother, Shooting Victim in the street at 69<sup>th</sup> and Martin Luther King Drive. Shooting Victim appeared to be getting ready to fight another black male, (baldhead and wearing a blue shirt, NFI) on the street. Witness 3 began to bang on the bus door, demanding to exit the bus. As Witness 3 exited the bus, she heard a gun shot and observed Shooting Victim sitting on the sidewalk at 69<sup>th</sup> Street and Martin Luther King Drive surrounded by a large group of people. A few minutes after exiting the bus, Witness 3 heard several gunshots in succession in the area. Witness 3 related that she did not see the person who shot Shooting Victim and had no other information regarding the shooting. (Att# 10)

On 10 November 2009, **Witness 4**, provided a statement to IPRA at his office located on the 6800 block of South Martin Luther King Drive. Witness 4 related that on 11 September 2009, at approximately 1550 hours, he was standing in the front window of his office when he observed a large group of black males (approximately 12-15) standing

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in front of his office. Witness 4 exited his office and asked the young males not to block the entrance to his office. The young males complied and moved to the corner at 69<sup>th</sup> and Martin Luther King Drive.

Moments later Witness 4 observed a young black male exit the rear of a southbound CTA bus. The young black male (approximately 17 year of age) approached the crowd of young males at the corner, reached inside his left pant pocket, and displayed what Witness 4 described as a 9MM gun. The young male returned the weapon to his pocket. At approximately 1600 hours, Witness 4 telephoned "911" to report a large crowd of black males on the street in front of his office. Moments later, the large group of black males left the area and walked westbound on 69<sup>th</sup> Street.

Approximately twenty minutes later, the large group of males returned to the corner of 69<sup>th</sup> and Martin Luther King Drive. Witness 4 called "911" a second time and informed the dispatcher that the young males had returned to the corner and that one of them now had a weapon on him. Witness 4 informed the dispatcher that the young males appeared to greet each other with gang signs. Suddenly, one of the males took a swing at another young male, and they were in the street in front of 6858 S. Martin Luther King Drive. A third young male then pushed a fourth young male (approximately 14 years of age) to the ground between the cross walks at 69<sup>th</sup> and Martin Luther King Drive. The young male<sup>10</sup> (5'10", light complexion, short hair) raised the weapon and fired twice at the young male on the ground. The young male (shooter) ran north on Martin Luther King Drive to the east side into the alley. Witness 4 lost sight of him. Everyone "scattered" and Witness 4 telephoned "911" again and did not observe anyone on the street remain with the young male who had been shot. He also did not observe anyone follow the young shooter in a vehicle. Witness 4 did not observe the shooting of Subject 1 by Officer A. (Att# 45)

The witness, **Witness 5**, identified from additional Chicago Police Department reports and who is incarcerated at Cook County Jail, did not cooperate with the investigation. IPRA Investigator A contacted Attorney A, the Public Defender assigned to Witness 5. Attorney A related that he advised his client not to cooperate with the investigation due to pending criminal litigation. (Att# 62)

In a telephone interview on 01 February 2013, the witness, Witness 5, who is now incarcerated at Pinckneyville Correctional Center related that on the date of incident, he, [Name Withheld]<sup>11</sup> and Subject 1<sup>12</sup> were in the vicinity of 68<sup>th</sup> Street and Martin Luther King Drive, when he observed Shooting Victim with whom he had an physical altercation<sup>13</sup> on the previous day standing with a large group of other young black males.

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<sup>10</sup> Now known as Witness 5.

<sup>11</sup> Witness 5 provided the last name of [Last Name Withheld] in regards "[Name Withheld]"

<sup>12</sup> Due to the friendship between Subject 1 and Witness 5, Witness 5 considered him a brother. They are not blood relations.

<sup>13</sup> Witness 5 and Shooting Victim had a fist fight on 10 Sept 2009

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Witness 5 informed his two companions that he recognized Shooting Victim as the person with whom he had an altercation with on 10 September 2010. The three walked to a residence on the 7100 block of Vernon<sup>14</sup>, Subject 1 entered the residence and returned with a weapon<sup>15</sup> tucked in his waistband. The three walked back to 68<sup>th</sup> Street and Martin Luther King Drive. Witness 5 observed a large group of black males on the corner. Witness 5 snatched the weapon from the waistband of Subject 1, ran through the crowd of young men, ran toward Shooting Victim and fired striking Shooting Victim on the leg. Shooting Victim fell to the ground and Witness 5 still holding the weapon approached Shooting Victim and attempted to fire again, but the gun jammed. Witness 5 and Subject 1<sup>16</sup> fled the scene. As the two began to run, Subject 1 snatched the weapon from Witness 5 and the two fled the area in different directions. Witness 5 related that ran toward 64<sup>th</sup> and Martin Luther King Drive and he lost sight of Subject 1 who ran toward 71<sup>st</sup> and Martin Luther King Drive. Witness 5 related that he did not observe the shooting involving Subject 1. (Atts# 91, 92)

Utilizing the Chicago Police Department's Clear Arrest System, attempts were made using various spellings of the name "[Last Name Withheld]" to locate [Name Withheld], with negative results. (Att# 86)

Attempts were made by telephone to contact **Witness 7** (773-XXX-XXXX), whose name was obtained from the **OEMC** printout, but the service was disconnected. (Att# 69)

Attempts were made by telephone, personal visits and postal service to obtain interviews from **Witness 9** and **CTA bus driver Witness 10** who were identified from **OEMC** records. (Att# 69, 70, 71, 94)

In a telephone conversation with **Witness 11**, who was identified from the **OEMC** records, Witness 11 related that he heard gunfire but did not witness the shooting.

In a telephone conversation with **Witness 12**,<sup>17</sup> who was identified from the **OEMC** records, Witness 12 related that she heard gunfire and observed a black male lying in the street (Martin Luther King Drive) and dark colored SUV leaving the area, but did not witness the shooting. (Att# 69)

A **canvass** of the area produced no additional witnesses to the incident. (Att# 25)

**Civil Suit, # 10 L1382**<sup>18</sup>, filed on 28 May 2010 by Special Administrator, on behalf of the estate of Subject 1 reflect that Officer A, while in plain clothes and

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<sup>14</sup> Witness 5 was unable to recall the address on 71 and Vernon.

<sup>15</sup> The weapon described as black automatic

<sup>16</sup> Witness 5 related that at some point he gave Subject 1 his burgundy hooded sweater and his mobile phone.

<sup>17</sup> No relationship to deceased subject.

<sup>18</sup> As of 4 February 2013, the Civil Suit is pending in court.

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occupying a SUV, pursued several teenage boys including Subject 1. Subject 1, who was not armed with a weapon, fled in the area of 6900 S. Eberhart. Officer A, who did not identify himself as Police Officer, fired his weapon at Subject 1. Officer A, while chasing Subject 1 on foot, fired his weapon striking Subject 1 on his back resulting in his death. (Att# 59)

**In a Deposition on 28 July 2010, the witness, Witness 6,** indicated that he was acquainted with Subject 1 from the area of 71<sup>st</sup> and Vernon. Witness 6 related that on the date of the incident he and an unnamed friend observed Subject 1 at a bus stop at 71<sup>st</sup> and Martin Luther King Drive. The unnamed friend and Subject 1 had a conversation in regards to a verbal incident that occurred prior to 11 September 2009 at Dyett High School.

At or about 1545 hours on 11 September 2009, after the encounter at 71<sup>st</sup> Street and Martin Luther King Drive, Witness 6 was standing on the corner at 69<sup>th</sup> and Martin Luther King Drive with several friends. Subject 1 and three unnamed individuals approached Witness 6 and approximately seventeen other unnamed individuals including Shooting Victim. Subject 1 approached the group. Subject 1 raised his jacket and Witness 6 saw a weapon in his waistband. Shooting Victim and Witness 5 became engaged in a verbal altercation that began to escalate into a physical altercation. Witness 5 grabbed the weapon from Subject 1's waistband and fired one shot at Shooting Victim. Witness 5 gave the weapon back to Subject 1. Subject 1 placed the weapon in his waistband. Witness 6 related that he did not observe any officers in the area. Witness 6 did not observe any vehicles in the area make a U-turn. (Att# 82)

Attempts by IPRA to obtain an interview from Witness 6 were unsuccessful. (Att# 80)

**In Deposition on 28 July 2010 the witness, Witness 8,** indicated that on the date of the incident she was inside her residence located on the 6900 block of S. Vernon when she heard between four to eight gunshots. Witness 8 exited her residence by the backdoor and observed a Chicago Police Officer in a vest<sup>19</sup> standing in the rear and a "person"<sup>20</sup> laying in the yard. The officer was on his mobile phone. The officer told Subject 1 to "Stay down, help is on the way." The officer asked if the street in front was "Eberhart" and Witness 8 replied, "Yes." Witness 8 did not see the officer with a gun his hand and did not see the person that the officer shot, but she saw someone lying on the ground. (Att# 81)

Attempts made by IPRA by telephone to obtain an interview from Witness 8 were met with negative results. (Att# 80)

**Chicago Fire Department EMS "Run Sheets"** reflect that upon their arrival at the scene, paramedics treated Shooting Victim for a gunshot wound to upper right leg. (Att# 17)

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<sup>19</sup> Identified now as Officer A wearing a vest

<sup>20</sup> Later known as Subject 1

**Photographs taken by the Evidence Technician** depicts the general area and recovered evidence. (Att# 40)

**OEMC records** reflect that callers informed the dispatcher that large groups of teenage boys at 6858 S. Martin Luther King Drive were standing in the street. One of the boys exited a CTA bus pulling a gun from his front pocket.<sup>21</sup> The boys were arguing and one of the boys, described as wearing a grey hoodie with a white t-shirt and blue jeans, discharged the weapon striking another boy on the leg. The caller related that the “shooter” ran eastbound on 69<sup>th</sup> Street. A police officer in his private vehicle is reported chasing the “shooter” eastbound on 69<sup>th</sup> Street. (Att # 55)

At approximately 1544 hours and 56 seconds, Off-Duty Officer A, called “911” identified himself as a Police Officer, and informed the dispatcher that he was involved in a shooting in the alley on the 6900 block of S. Eberhart. Officer A related that he shot the offender. He request an ambulance and supervisors to the scene. Officer A informed the 911 dispatcher that he needed additional cars in the area, because he “saw where [the offender] threw the gun.” (Att# 55)

**Medical records obtained from Northwestern Hospital** in regards to Shooting Victim, reflect that he sustained a gunshot wound extending from the posterior right thigh, across the perineum, and into the left buttock musculature. A bullet fragment is in the subcutaneous soft tissue of the left buttock. No other wounds were noted. (Att# 54)

In the **Medical Examiner’s Postmortem Examination** associated with Subject 1, dated 12 September 2009, it is noted that “there is on the upper left back, 16.5 inches below the top of the head and 6.0 inches to the left of the midline, an oval, gunshot wound entrance. The wound course involves a route to the left eight ribs, lower lobe of the left lung, the descending thoracic aorta, the right wing of the diaphragm, the right adrenal gland, the right lobe of the lung, and the right lateral ninth intercostals space. The wound course is back to front, left to right and downwards. There is no evidence of close range fire.” (Att# 43)

The **General Case Report and Supplemental Reports** summarize interviews obtained from the witnesses, provides a diagram of the scene and the location (6921 S. Vernon) of the weapon associated with Subject 1. (Att# 58)

The **Arrest Report** for Witness 5 indicates that on 23 November 2009, Witness 5 was arrested and identified in a line-up by Witness 2 as the person who shot Shooting Victim with a gun on 11 September 2009, at 6859 S. Martin Luther King Drive. (Att# 50)

The **Tactical Response Report** submitted by Officer A states that Subject 1 failed to follow verbal commands, fled the scene and pointed a weapon at him. Officer A discharged his weapon 10 times. (Att# 29)

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<sup>21</sup> The call references a camera on the CTA bus; CTA records do not report that the bus had a camera.

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**Illinois State Forensic Test** results **dated 28 September 2009**, found that the weapon associated with Subject 1 displayed rifling characteristics of five lands and grooves with a right hand twist.<sup>22</sup>(Att# 42)

**Illinois State Forensic Test** results **dated 09 October 2009**, found that the weapon associated with Officer A was in good firing condition. (Att# 42)

**Illinois State Forensic Test** results **dated 09 October 2009**, found that the weapon associated with Subject 1 was found to be good firing condition. Test shots were performed and compared to the IBIS database. No identification was made.

Gun Shot Residue (GSR) test performed on the clothing (right and left cuff and Maroon hoodie) of Subject 1 did not detect particles of residue. If Subject 1 came into contact with gunshot residue, the particles were not deposited, or may have been removed by activity or were not detected by the procedure.

GSR test performed on right and left hands of Subject 1 indicated that Subject 1 might not have discharged a firearm with either hand. If Subject 1 did discharge a firearm, then the particles were removed by activity, were not deposited, or were not detected by the procedure. (Att# 49)

**Illinois State Forensic Test** results **dated 18 November 2009**, that the DNA profile performed from a blood standard from Subject 1 and the swab taken from the weapon associated with him were not suitable to make a positive association to other profiles or standards. No conclusions could be drawn as to whether Subject 1 could have contributed to the low levels DNA profile identified from the weapon associated with him. (Att# 49)

On 11 September 2009, **Officer A** related to the Roundtable Panel, that he was on his way home from work. He was traveling westbound and stopped his vehicle at the light at 69<sup>th</sup> and Martin Luther King Drive. He was first in the line. As he sat at the light, Officer A observed a large group of teenagers at the bus stop. Two young men were yelling and one of the young men (Subject 1, wearing red top and black jeans) pulled out a weapon and fired two shots at another young male now known as Shooting Victim. Subject 1 and a second unknown male fled eastbound on 69<sup>th</sup> Street. Officer A grabbed his bulletproof vest from his rear seat, put it on, made a u-turn and followed Harris. Officer A followed in his vehicle. Subject 1, as Subject 1 fled through a vacant lot with a gun in his hand and entered the alley at 69<sup>th</sup> Vernon. Officer A followed Subject 1 in his vehicle. Officer A yelled through the driver's side window for Subject 1 to drop his weapon. Subject 1 turned toward Officer A and raised the weapon. Officer A with his left hand on the steering wheel raised his right hand, leaned out of the vehicle and fired through the driver's side window. Officer A fired shots at Subject 1, who then fled on foot through the alley. Due to a "blind spot" in the alley, Officer A lost sight of Subject 1

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<sup>22</sup> The gunshot wound sustained by Shooting Victim was a through and through; no bullet recovered at the scene.



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for a moment. Officer A, still in his vehicle, drove further into the alley. In the alley, Officer A regained sight of Subject 1 and again ordered Subject 1 to show his hands; Subject 1 turned toward Officer A, but did not show his hands. Officer A fired his weapon at Subject 1. Subject 1 jumped a fence in the rear yard on the 6900 block of S. Eberhart and again Officer A yelled for Subject 1 to show his hands. Subject 1 turned toward Officer A and again Officer A fired at Subject 1 who then yelled, "I'm hit" and fell to the ground. Officer A called 911 and made notifications. (Att# 4)

In a statement to IPRA on 20 July 2010, **Officer A**, related that he was off-duty and traveling westbound on West 69<sup>th</sup> Street toward Martin Luther King Drive in his personal vehicle with the windows rolled down. He observed a group of teenagers standing near a bus stop. Officer A stopped at the traffic light at 69<sup>th</sup> Street and Martin Luther King Drive and got on his mobile phone to contact "911" when he heard a gunshot. Officer A did not actually witness the shooting of Shooting Victim.

Suddenly the crowd dispersed and Officer A observed Subject 1, who was wearing a red sweater or jacket, running with a handgun in his right hand tucked in front of him. Subject 1 ran past Officer A's vehicle on the driver's side. A second unknown male wearing a white t-shirt ran toward Officer A's vehicle holding his side.

Officer A put on his Chicago Police ballistic vest, made a U-turn, drew his weapon from in between the front seats on the right side of his vehicle and proceeded to follow an individual, now known as, Subject 1 at about 2-3 miles per hour.

Subject 1 ran eastbound on 69<sup>th</sup> Street, and through a vacant lot on the south side of the street. As Subject 1 ran through the vacant lot, Officer A turned into the alley that is parallel to the vacant lot on the east side of Vernon Ave. and Officer A and Subject 1 made eye contact.

Officer A identified himself as a Chicago Police Officer and instructed Subject 1 to drop the gun and lie on the ground. Subject 1 then pointed the weapon at Officer A. As Officer A sat looking out of the side window of his vehicle, Subject 1 was located at Officer A's 10 O'clock position. Officer A stated he held the steering wheel with his left hand and positioned his right arm across his left arm. He then aimed out the driver's side window.

Officer A fired 2-3 shots at Subject 1. Subject 1 continued to run. Officer A lost sight of Subject 1 as Subject 1 ran further south into the alley. Officer A executed a wide turn, briefly overshooting the alley into an adjacent empty lot, before turning back into the alley. Upon re-entering the alley, Officer A observed Subject 1 running across the alley eastbound to a fence of a rear yard of in the 6900 block of S. Eberhart.

Officer A exited his vehicle. He and Subject 1 were approximately 10-15 feet apart. Officer A identified himself again and instructed Subject 1 to drop the weapon and lie on the ground. Subject 1 failed to comply and turned toward Officer A with his hands at his waist. Officer A then fired 2-3 shots.

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Subject 1 jumped the fence and Officer A ran around to the opening of the fence. Subject 1 stumbled and turned toward Officer A. Subject 1's hands were still not visible. Officer A fired two more times. Subject 1 fell to the ground and stated, "I'm hit!"

Officer A stated that once on the ground he did not see a gun on Subject 1. Officer A called for an ambulance and made notifications. Upon the arrival of additional officers on the scene, Officer A informed them of where he lost sight of Subject 1 during the pursuit. Officer A directed the officers to the area in the alley where he lost sight of Subject 1; an unknown tactical officer subsequently recovered a weapon on a roof. (Att# 65).

In a subsequent **witness interview** on 14 September 2010 at IPRA, **Officer A** clarified that when he contacted "911" he said that he knew where Subject 1 had thrown the gun. When officers arrived on the scene, Officer A told the responding officers where he thought the gun might be located. (Att. #68).

Officer A provided IPRA with an unsigned typed account of the events that occurred on 11 September 2009. In this report, he further explained that he did not see Subject 1 throw the gun. He realized after he fired his weapon that Subject 1 must have previously thrown away the gun, when Officer A lost sight of Subject 1. (Att# 68, 79)

In a **subsequent audio-recorded interview** on 06 April 2011 at IPRA, now identified as the accused, **Officer A** related that he stood by the two previous statements he gave to IPRA. Officer A indicated that during the original incident on 69<sup>th</sup> and Martin Luther King Drive he observed Subject 1 and another black male running from the scene. Officer A followed Subject 1 because he observed Subject 1 holding a weapon in his hand. Officer A had no knowledge of what happened to the second black male.

Officer A related that when he contacted 911 and stated, "He knew where Subject 1 had thrown the weapon," he based his statement off the general area of where he lost sight of Subject 1 for a moment. Officer A clarified that he did not actually observe Subject 1 throw the weapon.

Officer A related that Subject 1 failed to comply with verbal commands to stop and show his hand. As Subject 1 turned toward him, he again refused to show his hands. Officer A observed Subject 1 fleeing the area on foot and with a weapon in hand moments earlier. Officer A believed that Subject 1 still had a weapon and posed a threat of bodily harm toward him. Officer A fired his weapon in self-defense. (Att# 89)

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### CONCLUSION:

**ALLEGATION # 1** The reporting investigator recommends that the allegation that Officer A fired his weapon without justification be **EXONERATED**. Officer A's actions were in accordance with both conditions of the Chicago Police Department's deadly force policy. Officer A reported that he saw Subject 1 with a gun. Subject 1 fled the area and Officer A gave chase and instructed him to drop his weapon. Subject 1 pointed the weapon in the direction of Officer A. Officer A could reasonably believe that Subject 1's actions amounted to "a forcible felony" which involved the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm and that he was attempting to escape arrest. Officer A fired at Subject 1. Officer A provided four statements regarding this incident. On 09 Sept 2009, during Roundtable statements, Officer A related that he observed Subject 1 shoot Shooting Victim. In his statement dated 20 July 2010, he stated he heard a gunshot. In a statement on 06 April 2011, Officer A stated that he observed, "One man shoot another man." In a written statement submitted on 06 April 2011, Officer A indicated that he "witnessed" one man shoot another man.

Officer A reported that he lost sight of Subject 1 and when he re-gained sight of Subject 1, Officer A again instructed Subject 1 to show his hands. Subject 1 failed to comply. Subject 1, whose hands were at his waistband, made a sudden move toward Officer A. Officer A, believing that Subject 1 still had possession of a weapon, fired his weapon, and struck Subject 1. As Subject 1 lay on the ground, Officer A did not observe a weapon on Subject 1's person. Although, Officer A reported to 911 that he observed Subject 1 throw the gun, Officer A clarified his statement to 911 and said that he meant that due to losing sight of Subject 1, he believed he knew the area where Subject 1 may have thrown his weapon.