

INDEPENDENT POLICE REVIEW AUTHORITY

LOG #1030513/U# 09-40

INVESTIGATION

NUMBER: U #09-40/Log #1030513

OFFICER

INVOLVED #1: “Officer A” (Chicago Police Officer); Male/Hispanic; 43 years old; On- Duty; In Uniform; Year of Appointment – 2005

OFFICER’S

INJURIES: None reported.

OFFICER

INVOLVED #2: “Officer B” (Chicago Police Officer); Male/Hispanic; 36 years old; On- Duty; In Civilian Dress; Year of Appointment – 1999

OFFICER’S

INJURIES: Sprained left elbow. Treated and released from Christ Hospital.

INVOLVED

SUBJECT: “Subject 1”; Male/Hispanic; 28 years old

INVOLVED

SUBJECT’S

INJURIES: Two fatal gunshot wounds to the back. Subject was pronounced dead on the scene.

INITIAL

INCIDENT: Traffic Stop

DATE/TIME

OF INCIDENT: 26 September 2009, 2354 hours

LOCATION:

3150 W. 76th Street/Beat 835

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SUMMARY OF INCIDENT

On 26 September 2009, an escalation of violence in the 009th District between members of the Two-Six and Satan Disciples street gangs resulted in several homicides and non-fatal shootings. Officers from the Chicago Police Department's Gang Investigation Section, Gang Enforcement Section and Targeted Response Unit (TRU) patrolled the area in response to this violence. Beat 4217B was driving south in the west alley of Western Avenue between 46th Street and 46th Place when they observed the subject, Subject 1, northbound in their direction driving a black Mercury Sable. The officers shined their spotlight on Subject 1 and observed that he was making furtive movements under his car seat.

The officers engaged their emergency lights, but Subject 1 reversed through the alley onto 46th Place. The officers attempted to get in front of Subject 1 to prevent him from driving east on 46th Place. Officers C and D approached Subject 1 on foot and ordered him to get out of his car. Subject 1 maneuvered his vehicle around the squad car and turned onto Western Avenue. The officers pursued Subject 1 south on Western Avenue to 79th Street, where Beat 4210 (CPD Sergeant 1) terminated the pursuit. The pursuit was broadcast over Zone 13 (009th and 012th Districts) while a flash message was sent over Zone 6 (007th and 008th Districts) as the pursuit entered the 008th District. After the pursuit was terminated, additional police units toured the area in search of Subject 1's Mercury Sable. Beat 824R (Officers A and E) observed the Mercury Sable while driving westbound on 83rd Street and followed it.

83rd Street dead-ends at train tracks west of Kedzie Avenue and the officers followed the Mercury Sable through an alley to 84th Street, east to Kedzie Avenue and then north on Kedzie Avenue. The officers engaged their emergency equipment while in the alley between 83rd and 84th Streets, but Subject 1 refused to stop. The officers reported their progress over the radio as they drove. When they were on Kedzie Avenue near 78th Street, Subject 1 struck a pickup truck that was in the southbound lanes, damaging the Mercury Sable's left front tire. Subject 1 continued to drive and tried to turn east on 76th Street, but his wheel came off and he was unable to complete the turn.

Subject 1 exited his vehicle and the officers saw that Subject 1 was armed with a handgun, a Lorcin .380 caliber semi-automatic pistol. Subject 1 ran east on 76th Street. Officer A exited the passenger-side of the squad car (Beat 824R) and chased Subject 1 on foot. Beat 6175 (Officers B and F) drove around the disabled Mercury Sable into 76th Street. Officer B, who drove Beat 6175, observed that Subject 1 had a handgun and exited the squad car. Subject 1 turned toward the officers with the gun in his hand. Officer A fired his weapon three times at Subject 1 and Officer B fired his weapon once. The officers approached Subject 1, handcuffed him, and called for an ambulance. Subject 1, a confirmed member of the Satan Disciples street gang, was pronounced dead on the scene. Subject 1 sustained two gunshot wounds. One was to the lower left back with an exit wound on the right side of the abdomen. The path of the bullet was left to right. The other gunshot wound was to the mid-back on the left side. That bullet was lodged on the right side of the neck. The path was left to right and upward. Subject 1

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sustained contusions and abrasions on his knuckles and face from his fall to the ground after he was shot.

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The **Round Table Presentation** was conducted on 27 September 2009, at approximately 0632 hours, and ended at 0730 hours on 27 September 2009.

Witness Officer C, Unit 253, related to the **Round Table** panel an account of the incident that was consistent with the summary of incident. Officer C stated that he worked Beat 4217B at the time of the incident. Beat 4271B was initially deployed to the 004th District and then redeployed to the 009th District due to the numerous shootings in the 009th District on that date, specifically the area bordered by 39th and 47th Streets between Western and Kedzie. During that time, he and his partners participated in several calls for assistance and foot chases. Officer C and his partners, Officers D and H, came across a car (the Sable) driving north in an alley in the vicinity of 46th Street and Artesian Avenue as they drove south in the alley. Beat 4271B shined their spotlight on the driver of the car, Subject 1. Officer C saw Subject 1 reach under his seat. Beat 4271B turned on their emergency lights to stop Subject 1 but he reversed to the mouth of the alley. Beat 4271B tried to block Subject 1 from driving on 46th Place and gave him directions over the PA system.

Officer C exited his vehicle and approached Subject 1 on the driver's side of his vehicle. Officer C saw Subject 1 again reach under his seat with his right hand. Subject 1 drove around the squad car east on 46th Place and then south on Western. Beat 4217B followed Subject 1 as he drove and reported the pursuit over the radio. Subject 1 was driving fast to elude the officers. Their sergeant terminated that pursuit when they reached 79th Street. Beat 4271B last saw Subject 1 driving south on Artesian Avenue from 79th Street. Officer C later learned that 008th District cars observed and pursued Subject 1. Officer C also learned about the shooting at 76th Street and Kedzie Avenue. Officer C and his partners from Beat 4217B went to the location at 76th Street and Kedzie Avenue and observed the disabled Sable vehicle in the intersection with serious damage to the left front tire. Officer C identified the Sable as the same car that he and his partners pursued earlier. Officer C observed Subject 1 on the ground and also identified him as the driver of the Sable they pursued earlier.

Witness Officer D, Unit 253, related to the **Round Table** panel an account of the incident that was consistent with the Summary of Incident. Officer D stated that she was working Beat 4217B at the time of the incident. Officer D essentially related the same account of the incident, adding that she and Officer C exited the squad car at 46th Place after Subject 1 ignored their commands and reversed down the alley. Officer D stated that she and Officer C exited their squad car with weapons drawn as they continued to give him commands. The squad car spotlight shone on Subject 1 and Officer D saw him make movements under the driver's seat. Subject 1 drove east on 46th Place. Officer D and her partners returned to their squad car and pursued Subject 1 as he drove south on Western Avenue. Subject 1 drove fast to elude the officers as they reported the possible UUW (unlawful use of a Weapon) and a partial license plate for the Sable on the radio. Their sergeant terminated the pursuit when they got to the 79th Street. Officer D essentially related the same account as Officer C regarding learning of the shooting at

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76th and Kedzie and going to that location to identify the Sable that they had pursued earlier, as well as Subject 1 as the same person who had been driving the Sable. Subject 1 was pronounced dead on the scene at 0205 hours on 27 September 2009.

Officer A, Unit 008, related to the **Round Table** panel an account of the incident that was consistent with the Summary of Incident. Officer A stated that he heard a flash message on the radio about a dark-colored four door sedan with a possible U UW suspect driving south on Western. He and Officer E drove Beat 824R south on Kedzie Avenue and east on 83rd Street in an effort to locate the car. Officer A observed a car (the Sable) driving west on 83rd Street that matched the description given over the radio. Officer A clarified the description of the Sable with the dispatcher and they turned around to follow the car. The Sable went west to wear 83rd Street dead-ends at a set of train tracks near Central Park Avenue, where it turns into an alley. Officers A and E activated their emergency equipment, but the Sable continued to drive in and out of the alleys and streets until it reached Kedzie Avenue and drove north. Officer A observed the Sable strike another vehicle, causing the left front tire to come off the rim. The Sable continued driving and attempted to turn onto 76th Street, where the driver appeared to lose control of the vehicle. The driver, now known as Subject 1, got out of the car and Officer A saw that Subject 1 had a gun in his hand. Subject 1 ran east on 76th Street as Officer A chased after him on foot while giving verbal commands for Subject 1 to stop. Subject 1 turned toward Officer A and pointed the gun at him. Officer A fired three times at Subject 1. Officer A ran to where Subject 1 fell on the ground and moved the chrome semi-automatic gun away from Subject 1 when he saw that Subject 1 was still moving. Officer A called for an ambulance and Officer E handcuffed Subject 1.

Witness Officer E, Unit 008, related to the **Round Table** panel an account of the incident that was consistent with the Summary of Incident. Officer E stated that he was on patrol with Officer A when they heard about a vehicle pursuit. They started driving to the vicinity of the pursuit and they went east on 83rd Street where they observed a dark-colored car (Sable) pass them going west. Officer A clarified the description of the vehicle involved in the pursuit with the dispatcher while Officer E turned the squad car around and followed the Sable. Officers A and E followed the Sable to a dead –end when the Sable began to drive fast through alleys. Officer E continued to drive after the Sable as Officer A provided their progress over the radio. They got to Kedzie Avenue and began driving north. Additional squad cars drove south on Kedzie Avenue to their location. The Sable struck a pickup truck, causing the tire to break. The Sable continued to drive on the rim and Officer E saw sparks from the rim grinding against the ground. The Sable came to a stop and Officer A had the squad door open ready to get out. Officer E stopped the squad car and Officer A got out of the car. Officer E observed that the driver, Subject 1, was out of the Sable with a gun in his hand. Subject 1 ran with Officers A and E chasing him. Officer A was in between Subject 1 and Officer E. A tactical unit arrived on the scene. Officer A shouted commands at Subject 1, who kept running. Officer E saw Subject 1's head turn back toward them, but he could not see the rest of Subject 1's body because Officer A blocked his view. Officer E heard four gunshots. Officer A moved Subject 1's gun to the side. Officer E and one of the tactical officers handcuffed Subject 1. Officer A called for an ambulance and assisting units.

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Officer B, Unit 008/311, related to the **Round Table** panel an account of the incident that was consistent with the Summary of Incident. Officer B stated that he was working Beat 6715H and monitored a call on the radio that an outside unit was following a vehicle involved in a U UW that came into the 008th District on Western Avenue. Officer B and his partners were in the vicinity of 71st Street and Ashland Avenue conducting gang suppression in the 007th District at this time. They drove toward Western Avenue and observed a dark-colored vehicle (the Sable) drive south with a squad car with lights and siren on driving behind it. Officer B lost sight of the Sable and heard that the pursuit was terminated. Beat 6715H continued to tour the area for the Sable and heard that it had been sighted in vicinity of 82nd Street and Homan Avenue. Officer B drove to that area and monitored the progress of the pursuit over radio. While on 79th Street near Talman Avenue, Officer B heard that the Sable was on Kedzie Avenue. While stopped at the light at 79th Street and Kedzie Avenue, Officer B observed the Sable driving north with a squad car behind it. Officer B turned north onto Kedzie Avenue but lost sight of both vehicles. Officer B continued driving and observed a pickup truck facing south that had been involved in an accident. Officer B observed the Sable driving north and saw sparks below it. Officer B continued following the Sable and the squad car. The Sable stalled as it began to turn east onto 76th Street. Officer B turned onto 76th Street and saw the driver of the Sable, Subject 1, get out of the Sable with a gun in his hand. Officer B stated that Subject 1 held the gun in front of him with both hands. Officer F, who was in the rear of Officer B's squad car, also yelled that he saw Subject 1 with a gun. Officer B retrieved his own gun and drove forward to block Subject 1's avenue of escape. Officer B got out of the car with his gun drawn and announced his office. Subject 1 kept running and turned his entire body toward the officers, pointing his gun as he turned. Officer B fired his weapon once.

Officer went on to say that he did not notice at the time, but later learned that as he opened the car door to exit his vehicle, another squad car struck the door and the door hit his arm. Officer B felt pain in his right arm after the incident was over and was transported to Christ Hospital for treatment. Officer B was diagnosed with a sprained elbow and given two Vicodin pills. It should be noted that Officer B appeared at the Roundtable presentation with his right arm in a sling.

Witness Officer F, Unit 008/311, related to the **Roundtable** panel an account of the incident that was consistent with the summary of incident. Officer F stated that he worked Beat 6715G, assigned to the 007th District for gang suppression when they heard a flash message on the radio about a car, a Sable, wanted for U UW that was being pursued by a TRU unit on south on Western from 47th Street. Officer F essentially stated the same as Officer B regarding their route to the area in which Subject 1 was seen driving the Sable, 79th Street and Kedzie Avenue. Officer F added that he heard over the radio that the Sable initially drove in circles around that area and then went north on Kedzie Avenue. Beat 6715H was stopped at 79th Street and Kedzie Avenue when he observed the Sable pass north on Kedzie Avenue. Officer B turned onto Kedzie Ave and Officer F observed a marked squad car with lights and sirens engaged driving behind the Sable. The Sable slowed as Officer F observed sparks coming from it. The Sable began

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to turn onto 76th Street, stopped, and the driver, Subject 1, exited the Sable. Officer B turned onto 76th Street so that they were parallel with Subject 1. Officer F observed Subject 1 holding a chrome gun and yelled that Subject 1 had a gun. Officer B exited the vehicle and Officer F, who was in the rear of the squad car, noticed that the squad car did not stop. Officer F grabbed the gear shifter and got into the front seat to press the brake and put the car in park. Officer F got out of the car and observed Officers E and B handcuffing Subject 1. Officer F was unsure if he heard any gunshots and related that he heard noise coming from the transmission of his squad car while he was still inside the car.

Witness Officer G, Unit 009/311, related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Officer G stated that he and his partner worked Beat 6717 H, with his partner, Officer I, Area 1 Gang Enforcement in the 009th District due to shootings in that area. Officer G stated that they were near 45th Street and Rockwell Avenue when they received a flash message of a vehicle pursuit involving a man with a gun. The pursuit was southbound on Western Avenue from 46th Street. Officer G monitored the radio for the progress of the pursuit and went south on Western Avenue to assist. Officer G heard that the pursuit was cancelled when they were at 67th Street, so he turned off his emergency equipment but continued to drive south in search of the vehicle. In the vicinity of 82nd and Washtenaw Avenue, Officer G heard a message that the car was in the vicinity of 81st Street and Homan Avenue. Officer G drove to the 79th Street and Kedzie Avenue and stopped at a light behind another car from his unit (Officer B's car). Officer G heard over the radio that the pursuit was going north on Kedzie and saw the car (the Sable) drive past them with two marked squad cars behind it. Officer G turned onto Kedzie Avenue and observed the Sable sideswipe another car between 77th and 78th Streets. The Sable was disabled by that collision and slowed to a stop as it turned east onto 76th Street. The Hispanic male driver, Subject 1, got out of the car. Subject 1 was turned away from Officer G, who did not initially see Subject 1's hands. Officer B turned his vehicle past the Sable and Officer G turned his car to go on the side of those two cars. Subject 1 ran past Officer G's car as he turned onto 76th Street. Officer B opened the door of his car and Officer G struck the door because he did not have time to stop or maneuver around it. Officer G continued driving east to prevent Subject 1 from escaping in that direction. Officer G saw Subject 1 turn to his right toward the officers and saw that Subject 1 had a gun in his hand. Officer G heard the other officers yell that Subject 1 had a gun. Officer G heard two shots, but he did not see who fired those shots. Officer G later learned that Officer B was one of the officers who fired. Officer G related that Officer B was behind and to the left of Officer G and Subject 1 was in front to the left of Officer G at the time the shots were fired.

The **Case Report (HR-558364) for Assault/Aggravated PO Handgun** contained an account of the incident that was consistent with the accounts provided to the Roundtable Panel and Summary of Incident. The report was classified as "Aggravated Assault to a Police Officer – Handgun." The **Case Supplementary Report** was classified as "Exceptionally Cleared and Closed" due to the death of Subject 1.

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The **Case Report** and **Case Supplementary Report (HR-569924)** for **Homicide/Justifiable Homicide** contained an account of the incident that was consistent with the accounts provided to the Roundtable Panel and Summary of Incident. Detectives also interviewed Person 1, Person 2, and Person 3, none of whom witnessed the shooting or heard shots fired. The Case Supplementary Report was classified as “Homicide/Justifiable” and “Closed – Non Criminal.”

A **Tactical Response Report** completed by **Officer A**, documented that Subject 1 “fled”, was an assailant who posed “imminent threat of battery” and threatened Officer A with death by pointing his weapon at him. Officer A responded by firing his weapon in defense of his life. Watch Commander A concluded that the officer’s actions conformed to Department Policy on Use of Force.

The **Officer’s Battery Report** for **Officer A**, documented that Officer A did not receive any type of injury. The report documented that Subject 1 pointed his firearm at Officer A.

The **Tactical Response Report** completed by **Officer B**, documented that Subject 1 “fled”, was an assailant who posed “imminent threat of battery” and threatened Officer A with death by pointing his weapon at him. Officer B responded by firing his weapon in defense of his life. Watch Commander A concluded that the officer’s actions conformed to Department Policy on Use of Force.

The **Officer’s Battery Report** for **Officer B**, documented that Officer B sustained minor injury such as bruising but did not receive medical treatment. The report documented that that Subject 1 pointed his firearm at Officer B.

Evidence Technician photographs (RD #HR-558364) taken by Officer J, and Officer K, photographs of the scene, including the vehicles involved; the interiors of the involved vehicles; the deceased, Subject 1; shell casings; Officer B with his left arm in a sling; and damage to vehicles. A Crime Scene Video was also obtained.

Crime Scene Processing Report #101736 documented items inventoried and photographs obtained by the Evidence Technicians at the scene. The report also documented that Officer A’s and Officer B’s firearms were inventoried and swabbed in the presence of Watch Commander A and that the unregistered firearm retrieved from the deceased Subject 1 was also inventoried and swabbed. A GSR (gun shot residue) test was also administered to the hands of the deceased Subject 1.

Crime Scene Processing Report #101717 documented items inventoried and picked up by Evidence Technicians at the Office of the Cook County Medical Examiner. These items consisted of a sealed envelope with a blood card from the deceased Subject 1; a sealed envelope with a fired bullet recovered from the deceased Subject 1; and a sealed bag of Subject 1’s bloody clothing.

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The **Postmortem Examination Report** documented that Subject 1 was examined on 27 September 2009 at 0900 hours by Doctor A. The examination revealed three gunshot wounds to the back of Subject 1. The first wound was an entrance wound on the left side of the upper back, fifteen inches beneath the top of the head that coursed through the lungs and lodged in the upper lobe of the right lung. Further examination of the skin about the first entrance revealed no evidence of close-range firing. The second gunshot wound was also an entrance wound on the right side of the lower back, approximately twenty-five inches beneath the top of the head that coursed through the lower back, intestines and ascending colon. The third gunshot wound was the exit wound for the second gunshot that exited the body on the upper right abdomen, approximately twenty-four inches beneath the top of the head. Doctor A determined that the cause of death was multiple gunshot wounds and that manner of death was homicide. **Photographs from the Office of the Medical Examiner** depicted the gun shot wounds to Subject 1's body, as well as various anatomical close-ups and the bullet that had been lodged in his right lung that was removed.

Laboratory Reports from the Illinois State Police (ISP) Division of Forensics documented that the weapon found in Subject 1's possession at the time of the incident revealed no latent impression that were suitable for comparison and that the weapon was found to be in firing condition. Upon review of the GSR kit recovered from Subject 1, ISP concluded that Subject 1 may not have discharged a firearm with either hand, and that if he had; the particles were removed by activity, not deposited, or not detected by the procedure. Both Officer A's and Officer B's weapons were found to be in firing condition. Officer A's weapon was found to have fired two bullets that were examined by ISP.

The **Office of Emergency Management and Communications (OEMC) Event Query** (Event # 0926922078) documented essentially the same information as the roundtable panel and department reports. Additional **OEMC Queries** also documented essentially the same information as the roundtable panel and department reports. **OEMC Transmissions** documented essentially the same information as the roundtable panel and department reports.

The **Chicago Police Department Traffic Pursuit Reports**, along with the **Illinois Traffic Crash Report**, contained accounts of the incident that were consistent with the accounts provided to the Round Table and documented in Department reports. The initial pursuit by Beat 4217B began at 4630 S. Western and was terminated at 2431 W. 79th Street by CPD Sergeant 1, Beat 4210 when the pursuit of the offender, Subject 1, was deemed too risky.

A search of **Police Observation Devices (PODS)** found that PODS 516 and 685 recorded different parts of the pursuit. POD #516, located at 7831 S. Western Avenue, did not capture footage of the shooting. At 23:47:10 hours, a black vehicle drove fast south on Western Avenue followed by two police squad cars with their emergency lights activated at 23:47:18 and 23:47:29 hours. Other police squad cars followed at 23:48:03, 23:48:04, and 23:48:07 hours. POD #685, located at, 8301 S. Kedzie Avenue, did not

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capture footage of the shooting but did record the traffic pursuit of a black sedan as reported to the Round Table and documented in Department Reports. At 23:52:44 hours, a black sedan raced northbound through the intersection as strobing police vehicles surround the intersection from all directions, and then pursue the black sedan northbound on Kedzie Avenue.

In an **Information Report** entitled “**Video Evidence,**” IPRA Investigator A observed three surveillance cameras in the vicinity of the shooting location. The first camera located in the rear south parking lot of the Fresenius Medical Care Clinic, 3134 W. 76th Street, did not record anything relevant to the shooting. This recording was viewed by IPRA Investigator A. The other two cameras were located on the west and north wall of My Baps Construction Company, 7601 S. Kedzie Avenue. IPRA Investigator A also reviewed these recordings and noted that the recording was not clear but that some police activity was recorded. Although My Baps Construction Company stated to IPRA Investigator A that a copy would be provided to IPRA, My Baps Construction Company did not. On 09 March 2010, in a response letter to a subpoena, My Baps Construction Company wrote that the recording was erased prior to its retrieval and was no longer available.

A **civil law suit (2010-L-001098)** against the City of Chicago and unknown Chicago Police Officers was filed on 26 January 2010 seeking compensation for the wrongful death of Subject 1 by unreasonable use of force. On 01 February 2013, a summary judgment was issued in favor of the City of Chicago and Unknown Chicago Police Officers.

In **depositions** on 17 August 2010, **Officer C** and **Officer D** essentially stated the same as he had to the Round Table. In a **deposition** on 17 August 2010, **Officer H** stated that he was working with Officers C and D in Beat 4217B, which he drove, and then provided an account of his involvement with the incident that was consistent with Department reports and the account provided to the Round Table. Officer H related that he applied the Balancing Test and then followed Subject 1 from the Western Avenue alley between 46th and 47th Street until the pursuit was terminated at 79th Street and Western Avenue by the sergeant. Officer H related that Subject 1 had a lead of approximately three to four blocks distance from their squad car, which traveled between sixty and sixty-five miles an hour. Officers C, D and H did not observe the shooting of Subject 1 and were not present at 3150 W. 76th Street because they remained at 79th and Western Avenue to await the arrival of CPD Sergeant 1.

In a **statement to IPRA** on 22 December 2011, **Officer G**, essentially provided the same account as he did to the Round table and in his **deposition**. Officer G further related that he was still driving his vehicle when he observed Subject 1 running with a gun in his hand, and then heard a rapid succession of gunshots. Officer G also stated that he did not observe the actual foot pursuit and did not observe the shooting of Subject 1. When Officer G exited his vehicle, he observed an unknown officer kick a gun away from Subject 1 and handcuff him. On the scene, Officer G learned that both Officers A and B had fired their weapons at Subject 1.

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In a **statement to IPRA** on 22 December 2011, **Officer I**, essentially stated the same as Officer G had in his statement, disposition, and to the Round Table. Officer I also essentially stated the same as he had in his **deposition**. Officer I related that he observed Subject 1 fled from his disabled vehicle westbound onto 76th Street with a gun in his right hand. Officer I heard their vehicle strike something and then heard someone yell, "Drop the gun, drop the gun," prior to hearing two to three shots fired. Officer I remained inside the vehicle as it slowed down to a stop. Officer I then exited the vehicle and observed Subject 1 lying on the ground. Officer I did not observe the foot pursuit and did not observe the shooting of Subject 1.

In a **statement to IPRA** on 21 November 2011, **Officer L**, stated that he and Officer M, worked Beat 806B on 26 September 2009, when they heard about a vehicle pursuit regarding a UUW or possession of a firearm. While eastbound on Columbus Avenue at the intersection of Kedzie and 79th Street, Officer M observed a vehicle that was being pursued northbound on Kedzie Avenue by two Chicago police vehicles at a speed of approximately forty-five to fifty miles per hour. When the pursuit passed Beat 806B, Officer L turned onto Kedzie Avenue in support. Officer L related that he had to initially slow down on Kedzie Avenue near 78th Street because the vehicle being pursued struck a civilian pickup truck, ultimately disabled the pursued vehicle.

Officer L observed the pursued vehicle attempt slow down and attempt to turn onto 76th Street before the driver, Subject 1, fled eastbound on foot on 76th Street from the vehicle. Officer L related that he and Officer M drove closer to Subject 1 as he ran. At a distance of approximately thirty to forty feet, Officer L saw a gun in Subject 1's hand. Officer L parked his vehicle east of Subject 1's vehicle and attempted to exit but could not open the vehicle door because two unmarked police vehicles had pulled up on either side of his marked squad car. When those vehicles pulled forward, Officer L heard two or three gunshots as he opened the car door. Officer L related that he did not hear any officer announce his office to Subject 1 because the foot pursuit began prior to parking the vehicle. Officer L related that he did not observe the gunshots fired and did not observe the shooting of Subject 1. Approximately ten seconds after hearing the gunshots, Officer L observed Subject 1 lying on the street while Officer A stood next to him guarding a handgun that was also lying on the street.

In a **statement to IPRA** on 21 November 2011, **Officer M**, essentially stated the same as Officer L, except that he thought Subject 1 was a distance of forty to fifty feet away when he observed Subject 1.

In a **statement to IPRA** on 21 December 2011, **Officer N**, essentially stated the same as he had in his **deposition**. Officer N's account of the incident was consistent with that of Officers B and F, as well as the summary of incident. Officer N related that on 26 September 2009, he worked Beat 6715G with Officers B and F. Officer N sat in the front passenger seat as Officer B drove. Officer F sat in the back passenger seat. At the intersection of 76th and Kedzie, Officer N observed Subject 1 exit his disabled vehicle with a gun in his right hand and run east on 76th Street. Officer N saw Subject 1 swing his gun arm in their direction approximately thirty to fifty feet away. Officer N stated

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that he started to pull his gun when he heard someone yell, "Drop the gun" and then heard an unknown number of shots. Officer N was only a few steps out of the car when he saw Subject 1 fall to the ground and saw the Beat 6715G vehicle rolling against him. Officer N put his hands on the car to prevent it from striking him while Officer F jumped from the backseat and put the car in park. Officer N did not observe the shooting of Subject 1 and later learned that Officers A and B had shot Subject 1.

In a **statement to IPRA** on 09 December 2011, **Officer F**, essentially stated the same as he had to the Round Table and in his **deposition**. Officer F added that he stated that Subject 1 had a gun when he saw Subject 1 exit his vehicle at 76th and Kedzie. Officer F related that Officer B exited the vehicle and that their car kept rolling. Officer F jumped into the front seat to engage the brake and stop the car from rolling. Officer F related that he was unable to observe what was happening outside the vehicle because he was focused on getting the vehicle under control. Officer F did not see Subject 1 turn and point the gun toward the direction of himself and Officers B and N. Officer F did not observe Officers A and B shoot Subject 1, instead learning about it over the radio.

In a **statement to IPRA** on 09 December 2011, **Officer B**, essentially stated the same as he had to the Round Table and in his **deposition**. Officer B added that he vaguely saw Officer A with his gun in his hand but did not see Officer A fire his weapon. Officer B related that he heard approximately three gunshots simultaneously in addition to his single-shot discharge. Officer B also related that he had learned in October 2011 that his bullet did not strike Subject 1.

In a **statement to IPRA** on 12 December 2011, **Officer E**, essentially stated the same as he had to the Round Table and in his **deposition**. Officer E added that he saw Officer A, who was three to five feet in front of him, fire his weapon at Subject 1 as Subject 1 twisted and his gun arm swung around. Officer E stated that he ran for a few more steps before Subject 1 fell to the ground. Officer E then handcuffed Subject 1 as Officer A kicked Subject 1's gun away. Officer E also related that he did not initially realize that Subject 1 had been shot until he heard Subject 1 gasping. Officer E did not realize that Officer B had also discharged his weapon until the Round Table.

In a **statement to IPRA** on 13 December 2011, **Officer A**, essentially stated the same as he had to the Round Table and in his **deposition**. Officer A added that he was approximately fifteen to twenty feet behind Subject 1 when the foot pursuit began. Officer A stated that he discharged his weapon three times toward Subject 1 after Subject 1, who was running with a gun in his right hand, turned his torso toward Officer A and pointed the gun in Officer A's direction. Officer A related that he took a step to get out of Subject 1's line of fire and was in fear for his life. Officer A related that he could see Subject 1's profile when he turned. When Subject 1 fell to the ground within a matter of steps, Officer A still had his weapon in his right hand and pushed Subject 1's weapon away with his left hand.

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CONCLUSION AND FINDING:

This investigation found that the use of deadly force was **JUSTIFIED** and 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 involved the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm;
 - b. has attempted to escape by use of a deadly weapon or;
 - c. otherwise indicated that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

The officer's actions were in accordance with both the conditions of the Chicago Police Department's Use of Force policy. Officers A and B's actions were based solely on the actions of Subject 1. Subject 1 engaged in a police pursuit after refusing to curb his vehicle for a traffic stop. Subject 1 was armed with a gun in his right hand and did not drop the gun when ordered to do so. Subject 1 partially turned and his gun was pointed in the direction of Officers A and B, both of whom discharged their weapons toward Subject 1 in fear of their lives.