

**INVESTIGATION**

**NUMBER:** Log #1031066/ U #09-43

**OFFICER**

**INVOLVED:** “Officer A” (Chicago Police Officer); Male/Black; 36 years old;  
On-Duty; Plain Clothes; Year of Appointment – 1997

**OFFICER’S**

**INJURIES:** None

**SUBJECT:** “Subject 1”; Male/Black; 18 years old

**SUBJECT’S**

**INJURIES:** GSW through and through upper right hip and right buttocks

**INITIAL**

**INCIDENT:** Aggravated Assault / Person with a Gun

**DATE/TIME:** 16 October 2009, 2251 hours

**LOCATION:** 6340 S. Martin Luther King Drive

**SUMMARY OF INCIDENT:**

On 16 October 2009, at approximately 2251 hours, Officer A working with Officer B, CPD Sergeant A, Officer C, and Officer D, were in the rear of a building in the vicinity of 6400 S. Martin Luther King Jr Drive conducting a narcotics arrest of [Arrestee]. The officers heard multiple gunshots in the area just north of their location, which is now identified as 6340 S. Martin Luther King Jr Drive, service road. Officer A, Officer B and CPD Sergeant A entered their unmarked vehicle, as Officer C entered the vehicle belonging to Mr. Strong and the four drove toward the gunfire. Officer D transported [Arrestee] to the 003<sup>rd</sup> District for processing.

The officers drove north within the complex toward 63<sup>rd</sup> Street. Upon their arrival in the vicinity 6340 S. Martin Luther King Jr Drive, the officers observed the subject, now known as Subject 1, in front of them on the service road firing a weapon into a crowd of people standing just north of 6340 S. Martin Luther King Jr Drive. Officer A, who was the driver of the unmarked vehicle, stopped and as he exited, he yelled, "Police." Subject 1 turned with his weapon raised toward Officer A. Officer A discharged his weapon. Subject 1 fled west approximately 50 feet, fell to the ground, and dropped a revolver. The officers handcuffed Subject 1 and secured the weapon. Chicago Fire Personnel EMS ambulance #55 transported Subject 1 to Stroger Hospital where he was treated for a through and through gunshot wound (hip, buttock).

Upon his release, Subject 1 was charged with Aggravated Assault to a Police Officer (4 counts), and Reckless Discharge of a Firearm (1 count).

**INVESTIGATION:**

**CPD Sergeant A, Beat 306, Unit 003 related to the Roundtable Panel** an account of this event that is consistent with the Summary of Incident.

CPD Sergeant A related that as he exited the vehicle, he heard Officer A yell, "Police." CPD Sergeant A looked to see Subject 1 pointing a weapon at Officer A. Officer A then fired several shots from his weapon at Subject 1. Subject 1 turned and fled approximately 50 feet before falling to the ground.

CPD Sergeant A would later provide a consistent account of this event in a statement to IPRA. In said statement, CPD Sergeant A articulated that Subject 1 was pointing a firearm at Officer A, and that Officer A fired his weapon in defense of his life, and the life of the other officers present.

**Officer B, Beat 362, Unit 003 related to the Roundtable Panel** an account of this event that is consistent with the Summary of Incident.

Officer B related that he observed Subject 1 holding a silver handgun and firing at a crowd of people. Officer B heard Officer A announce his office. Officer B then observed Subject 1 turn and raise the weapon in the direction of Officer A. Officer A discharged his weapon (several shots in succession). Subject 1 fled a short distance and fell to the ground.

Officer B would later provide a consistent account of this event in a statement to IPRA. In said statement, Officer B articulated that Subject 1 was pointing a firearm at Officer A, and that Officer A fired his weapon in defense of his life, and the life of the other officers present.

**Officer C, Beat 306A, Unit 003 related to the Roundtable Panel** an account of this event that is consistent with the Summary of Incident.

Officer C related that he observed Subject 1 fire a weapon into a crowd of people. Officer A stopped his vehicle at an angle, opened his door, drew his weapon, and announced his office. As Officer A announced his office, Subject 1 turned toward Officer A with his arm in a raised position and pointed his firearm toward him. Officer A discharged his weapon several times. Subject 1 turned west and fled several feet on foot. Subject 1 fell to the ground and the weapon flew out of his hands onto the ground a few feet in front of him.

Officer C would later provide a consistent account of this event in a statement to IPRA. In said statement, Officer C articulated that Subject 1 was pointing a firearm at Officer A, and that Officer A fired his weapon in defense of his life, and the life of the other officers present.

**Officer A, Beat 306A, Unit 003 related to the Roundtable Panel** an account of this event that is consistent with the Summary of Incident.

Officer A related that he was working with CPD Sergeant A and Officer B when he heard 3-4 gunshots in the area. The officers entered their vehicle and he drove eastbound and then turned northbound onto a service drive at 64<sup>th</sup> and Martin Luther King Drive. As he approached the area, Officer A observed Subject 1 and a large group of people. He then observed Subject 1 fire into the large crowd. Officer A stopped his vehicle at an angle, opened the driver's side door, drew his weapon, stood up with one foot out of the vehicle, placed his weapon over the frame of the door and announced his office. Subject 1 turned with his arm raised and pointed a weapon at Officer A. Officer A discharged his weapon seven (7) times. Subject 1 fled approximately 50 feet and fell to the ground.

Officer A would later provide a consistent account of this event in a statement to IPRA. In said statement, Officer A articulated that Subject 1 was pointing a firearm at him. Officer A related that he was "in fear that (Subject 1) was either going to shoot me and/or my two partners that were in the car with me"<sup>1</sup> at the time he discharged his service weapon.

**CPD Detective 1, Area Two related to the Roundtable Panel** the statement that had been obtained from Subject 1. CPD Detective 1 related that Subject 1 claimed that he had been standing in close proximity to a black male known to him only as "[Male Name #2]." Subject 1 asserted that "[Male Name #2]" was exchanging gunfire with another black male, known to Subject 1 as "[Male Name]." Subject 1 told CPD Detective 1 that as the police responded to the gunfire, "[Male Name #2]" threw his firearm to Subject 1. As Subject 1 was catching the firearm, the police shot him.

**In a statement to IPRA, Subject 1 related the following.** Subject 1 advised that he was with (a black male known to him as) "[Male Name #2]," and that the two of them were walking towards a large party on Martin Luther King Drive. Subject 1 advised that as they reached the party, they came in contact with another group of black males, one of whom was "[Male Name]." Subject 1 advised that [Male Name] and "[Male Name #2]" began shooting at each other.

Subject 1 related that the police then responded to the area, and that "[Male Name #2]" fled on foot. Subject 1 related that he was running behind "[Male Name #2]," when "[Male Name #2]" threw his revolver to him. Subject 1 advised that he caught the pistol in mid-air, and then attempted to throw it on the ground when he was subsequently shot in the buttocks by the police officer.

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<sup>1</sup> Attachment #148, Pg 18, Line 1

Subject 1 related that he was laying on the ground, as he informed the arresting officers that he was not responsible for any shooting. Subject 1 claimed that one of the officers stated words to the effect of, “Fuck you, you are the shooter.”

Subject 1 further related that the responding police officers likely would not have seen “[Male Name #2],” as “[Male Name #2]” threw him the gun quickly, and then fled the area. Subject 1 could not provide any information that would assist in identifying “[Male Name #2].”

Subject 1 maintained that he was not shooting at anyone, did not point a pistol at the police, and only briefly possessed the pistol after having it thrown to him by “[Male Name #2].”

**In a statement to IPRA, Witness 1 related the following.** Witness 1 advised that she attended a party at 6356 S. Martin Luther King Jr Dr, and was standing outside when this event occurred. Witness 1 related that she observed a black male known to her as “[Male Name #2]” firing a revolver at a passing vehicle. Witness 1 stated that Subject 1 was standing next to “[Male Name #2],” and was also holding a revolver. Witness 1 was uncertain if Subject 1 fired his weapon or not.

Witness 1 then observed at least two police officers running towards “[Male Name #2]” and Subject 1. Witness 1 related that “[Male Name #2]” fled on foot. Witness 1 advised that one of the officers, whom she believed to be a male Hispanic, fired two rounds at Subject 1 – at which point Subject 1 fell to the ground. Witness 1 related that Subject 1 was still holding his revolver when the police officer shot him.

**In a statement to IPRA, Witness 2 related the following.** Witness 2 advised that Subject 1 is his older brother, and that the two of them attended a party at 6356 S. Martin Luther King Drive. Witness 2 was standing outside when this event occurred.

Witness 2 initially related that he saw unknown persons shooting at Subject 1, and that Subject 1 subsequently returned fire. Witness 2 specifically stated that Subject 1 was shooting at a green car that was near the Walgreen’s store on the corner.

Witness 2 then related that he was unsure if Subject 1 did have a firearm, as there was a large group of people standing in his line of sight.

Witness 2 related that the responding police officers approached Subject 1 from behind, and shot him without announcing their office, or making any other verbal commands.

Witness 2 confirmed that on 17 October 2009, when asked by IPRA Investigator A if he had witnessed this event, he advised that he did not. Witness 2 stated that he was upset at that time, and was not able to assist in this investigation.

**Multiple attempts to locate and interview** [Male Name] and [Male Name #2] were made. The attempts met with negative results.

According to **Medical Records from Stroger Hospital**, Subject 1 was treated for a single gunshot wound, with a through and through track from right hip to right buttock. The attending physician notated that the wound track trended to the posterior.

A **Canvass** of the area of the incident was made in an attempt to locate additional witnesses and/or evidence. Additional information was not discovered. It is noted that there is no physical or testimonial evidence that refutes the statements provided by the involved officers.

The **Department Reports, Tactical Response Reports** and the **Officer's Battery Reports** all provided information that is consistent with the statements given by the involved officers, and the independent witnesses.

The **OEMC and PCAD reports** were collected and made part of this case file. An analysis of said documents show no information that is inconsistent with the facts as related by the involved and witness officers. Attempts to locate additional independent witnesses were made to no avail.

**Illinois State Police Forensic Science Laboratory Reports** document the examination of the recovered ballistic evidence, in comparison to the firearm belonging to Officer A, and the firearm found in the possession of Subject 1. Both firearms tested were found to be in proper firing condition.

**Gun Shot Residue (GSR)** kits collected from Subject 1 returned positive. The reports indicated that Subject 1 did fire a handgun, or was in the environment of a discharged firearm.

**Court Records** regarding the charges against Subject 1 in this event were obtained. Said records show that Subject 1 was found guilty of these charges on 30 April 2010.

**CONCLUSION AND FINDING:**

This investigation found that Officer A's use of deadly force 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 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, 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, along with multiple witness officers, responded to gunshots in the area of 6340 S. Martin Luther King Jr Drive. Upon arrival Subject 1 was observed firing a revolver at or near a crowd of people outside of a large party. Officer A announced his office, and drew his firearm. Subject 1 turned towards Officer A and pointed his firearm in the direction of Officer A, CPD Sergeant A, Officer C, and Officer B.

This placed Officer A in imminent fear of great bodily harm or death, both to himself, and his partners. Officer A discharged his weapon, striking Subject 1 in his right hip.

Multiple witnesses, who are both associates and relatives of Subject 1, confirmed that Subject 1 was holding a firearm at the time he was shot. Gun shot residue tests support the assertions that Subject 1 was shooting his firearm as officers arrived on scene.

Based on the totality of the circumstances, Officer A's actions were reasonable to prevent death or great bodily harm.