

INVESTIGATION

NUMBER: LOG #1031830 / U#09-46

OFFICER

INVOLVED: “Officer A” (Chicago Police Officer); Male/Black; 46 years old; On Duty;
In Uniform; Year of Appointment – 2006

OFFICER(1)’S

INJURIES: None

SUBJECT:

“Subject 1”; Male/White Hispanic; 25 years old

SUBJECT’S

INJURIES: Right foot, left shoulder – treated at Stroger Hospital

INITIAL

INCIDENT: Search Warrant

DATE/TIME

OF INCIDENT: 14 November 2009, 0611 hours.

LOCATION:

XXXX S. Bishop
Beat 933

INDEPENDENT POLICE REVIEW AUTHORITY

Log#1031830/U#09-46

INVESTIGATION:

In a Walk Through of a police-involved shooting at the location of XXXX S. Bishop, IPRA Investigator A learned the Special Weapons and Tactics Team (“SWAT”) were serving a high risk search warrant at the same address. While serving the search warrant, the SWAT officers encountered the subject, Subject 1 and his dog, a Rottweiler, in the first floor apartment. The dog exited the residence via the front door as the officers entered. Officers used flex handcuffs on Subject 1 to handcuff his hands behind his back. The dog reentered the residence and walked over to Subject 1, who was seated on the couch in the living room. The dog began to growl at officers, causing Subject 1 to try to cover the dog with his torso while yelling at the officers not to shoot the dog. The dog lunged at the officers, at which time, Officer A, fired once, striking the dog on the head. The dog exited the residence and ran north. Subject 1 appeared to have been struck by a bullet fragment or ricochet on his right toe and left shoulder when the dog was shot. He was transported to Stroger Hospital for treatment.

In the **Preliminary Investigation**, IPRA Investigator B responded to Stroger Hospital to interview Subject 1 at approximately 0800 hours on 14 November 2009. The treating physician was Doctor A. Subject 1’s attending nurse stated that he was in stable condition and in the process of being released. Subject 1 had one bullet fragment lodged in the bottom of his foot, two abrasions to the front area of his right shoulder and two to the back area of his right shoulder. The nurse would not expound on the nature of the injuries.

In a statement with IPRA, victim Subject 1, related that on 14 November 2009, at approximately 0600 hours, he was in his apartment asleep. Also in the apartment was his girlfriend, Witness 1, and his two sons, (Son #1) and (Son #2) Subject 1 heard a loud bang, that sounded like a battering ram breaking open the front door. Subject 1 related that he went into the living room first and told the police that he had his family in the bedroom. The officers stated, “Come towards us motherfucker!” Subject 1 went back into the bedroom to get his family and brought them into the living room to sit them on the couch. Subject 1 did this because he did not want the officers to be surprised and accidentally shoot his family members. Subject 1 was placed in plastic restraints by a black male officer wearing a green colored uniform and a helmet. Subject 1 was seated on the floor near the couch next to his family. Subject 1 was leaning over due to a pre-existing back injury. Subject 1 told the officers before they searched the apartment that he had three dogs. During this time, one of his dogs, a Rottweiler, walked into the living room very calmly. The officer appeared to be agitated by the dog’s presence as they started cursing and yelling, and the dog barked once. The black male officer, that has cuffed him (now known as Officer A), shot the dog once in the face with a black .9mm handgun. At this time (Son #1) told him that his foot was bleeding. Subject 1 tried to stand up, but he fell onto the couch. Subject 1 realized that he was grazed with a bullet in his right shoulder and that the bullet was lodged in his right foot. Officer A immediately started apologizing to him and the officers called for an ambulance. Subject 1 was subsequently taken to Stroger Hospital.

Subject 1 was seated between the dog and the officer. Subject 1 stated that he was two feet away from the officer and three feet away from the dog and that the officer was about five feet away from the dog. Subject 1 did not know he was shot until his son told him. Subject 1 stated that there were over ten officers in the apartment, but he could not describe each one in

INDEPENDENT POLICE REVIEW AUTHORITY

Log#1031830/U#09-46

detail. Subject 1 stated that no one else was injured in the incident, but his son, (Son #1), was seated inches away from him. Subject 1 did not know if he or the dog was shot first.

The **Original Case Incident Report** documented that after having executed the search warrant, Officer A, was guarding subjects in the living room. A large Rottweiler dog ran in from outside, growled at the officers, and charged Officer A. Officer A, in fear for his safety, discharged his weapon one time striking the dog. Subject 1 sustained an injury to his right foot. A/O's requested immediate medical attention. Subject 1 was transported to Stroger Hospital.

The **Tactical Response Report** documented that Officer A, was executing a high risk search warrant. Officer A was guarding subjects in the living room, at which time, a large Rottweiler ran in from outside. The dog growled and charged the officer. Officer A, in fear for his safety, discharged his weapon to prevent the attack. The weapon used was a Glock, Model 17, .9mm. The report documents that the officer was defending himself from an attack by an animal.

A canvass conducted in the area of the incident was met with negative results.

The **Crime Scene Processing Report** documented items inventoried and photographs obtained by the Evidence Technicians at the scene. The report also documented that Officer A's firearm was recovered and swabbed. During the search warrant, Officer A, was attacked by a dog and fired one shot, striking the dog, which then ran away from the house. The fired bullet ricocheted and struck suspect Subject 1 in the right foot and right shoulder. The PFI's videotaped and photographed the scene and searched the area for physical and biological evidence that was recovered and is listed in this report.

A Crime Scene Videotape (DVD) of the scene following the police involved shooting displayed the interior and exterior of the residence, blood on the floor of the residence, and one bullet casing.

Evidence Technician photographs show Subject 1 in the hospital with injuries from the incident, blood on the floor of the residence, the interior of the residence, one bullet casing, the broken basement windows of the residence, and the surrounding area of the residence.

Pod #130 displays emergency vehicles, police responding units and personnel.

Efforts were made to **contact Witness 1**. However, the R/I had no success.

The Medical Records from Stroger Hospital indicated that Subject 1 was presented to the hospital via CFD with a Gun Shot Wound to the right foot. Subject 1 stated to medical personnel that he had been holding his dog and the police shot it in the head. The bullet exited and hit his right shoulder and went into his right foot.

The **O.E.M.C Event Query** documented that Subject 1 was shot in the foot by a SWAT officer. A dog had been hit. An officer reported that citizens might call concerning flash bangs and shots fired. An officer requested that if anyone reported an injured dog within a mile radius

INDEPENDENT POLICE REVIEW AUTHORITY

Log#1031830/U#09-46

of the location to hold onto it. Animal Control was notified and requested to keep an eye out for any calls of an injured dog in the area.

In a statement with IPRA, Accused Officer A related that the Special Weapons and Tactics Team (“SWAT”) were serving a high risk search warrant. Officer A was assigned as a breach officer and had been informed prior by radio that the officers on the scene were having trouble securing the Rottweiler in the backyard. Shortly after, he heard that the dog had been secured. At this point the officers entered the residence and Officer A posted guard on the residents after they were brought into the living room and seated. The Rottweiler walked to the back of the house, passing Officer A, stopped, turned around, looked at him, growled and advanced toward him. From this action, Officer A discharged his weapon striking the dog in the face. Officer A observed blood coming from Subject 1’s foot and shoulder and was taken to Stroger Hospital. Officer A denied all allegations of misconduct.

INDEPENDENT POLICE REVIEW AUTHORITY

Log#1031830/U#09-46

CONCLUSION:

Accused: Officer A

Allegation #1: Not Sustained - The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #1**, against **Officer A** in that he verbally abused Subject 1. There is insufficient evidence to support this claim.

Allegation #2: **Exonerated** - The Reporting Investigator recommends a finding of **Exonerated** for **Allegation #2**, against **Officer A** in that while attempting to shoot a dog he shot Subject 1. Officer A was told that the dog had been secured and while posting guard over the residents in the living room the dog advanced toward him, growling and baring teeth. Officer A, in fear for his safety discharged his weapon one time striking the dog. Officer A's act was certainly appropriate based on the action of the dog. Officer A did not shoot Subject 1. Only one shot was fired and it was at the approaching dog. Any injuries that Subject 1 sustained were incidental and not negligent on Officer A's part.