

INDEPENDENT POLICE REVIEW AUTHORITY
LOG #1032773/U# 09-54

INVESTIGATION

SUBJECT: LOG #1032773 / U#09-54

OFFICER #1

INVOLVED: “Officer A” (Chicago Police Officer); Female/Black; 29 years old;
On-Duty; In Uniform; Year of Appointment – 2008

OFFICER #1

INJURIES: None reported.

OFFICER #2

INVOLVED: “Officer B” (Chicago Police Officer); Male/Black; 30 years old;
On-Duty; In Uniform; Year of Appointment – 2005

OFFICER #2

INJURIES: None reported.

SUBJECT: “Subject 1”; Male/Black; 38 years old

SUBJECT’S

INJURIES: Gun shot wound to the right abdomen, two gunshot wounds to the left hand, two gunshot wounds to the right arm and a gunshot wound to the hematuria. Transported to Christ Hospital.

INITIAL

INCIDENT: Stolen Vehicle

**DATE/TIME/
LOCATION OF
INCIDENT:**

27 DECEMBER 2009, 0144 hours. 529 E. 79th Street
Beat 624

INVESTIGATION:

A Roundtable Report conducted by CPD Detective 1, related that Officer B and Officer A observed a vehicle traveling at a high rate of speed in the vicinity of 79th Street and King Drive. Officer B ran the license plate of the vehicle and it came back as a stolen vehicle from Enterprise Car Rental. Officer B pulled the vehicle over and Officer A followed to provide assistance. Officer B removed the driver, now known to be Subject 1, from the vehicle and began to conduct a pat down search. During the search, Officer B felt what he believed to be a gun in Subject 1's front left pocket. Subject 1 then pulled away from Officer B and fled west on foot. Officer B pursued Subject 1 while Officer A radioed for assistance. Officer A then joined Officer B in the foot chase of Subject 1.

Officers A and B chased Subject 1 through the Family Dollar parking lot. Officer B was in the lead while Officer A followed behind. As Officer B rounded the corner at the parking lot, he observed Subject 1 point a gun at him. Officer B fired approximately three rounds at Subject 1, who then continued to run west on the north side of 79th Street. Subject 1 fled into a parking lot and hid under an outside stairwell. Officers A and B continued to pursue Subject 1 and ordered him to drop his weapon. Subject 1 then fled from under the stairwell towards Officer A. As Subject 1 came towards her, Officer A observed a weapon in his hand and ordered him to drop the weapon. Subject 1 failed to comply and Officer A fired her weapon one time towards Subject 1. Subject 1 then continued westbound through the alley until he reached Vernon. Subject 1 then turned northbound. Officer B continued to follow him, while Officer A doubled back eastbound and then northbound into an alley in an attempt to subdue Subject 1 if he came out of the alley. Subject 1 doubled back eastbound through a gangway and Officer B fired approximately one round at him. Subject 1 fell in the yard of a residence.

Officer B approached Subject 1 who still had the gun in his hand. Officer B recovered the gun and placed it in his pocket.¹ Subject 1 was then transported to Christ Hospital in Oak Lawn.

In a statement with **IPRA and during a deposition taken on 21 February 2013 the victim, Subject 1** stated that on 27 December 2009 and he was driving his friend "Q" home when he was pulled over on the 500 block of 79th Street by Officers A and B. Once stopped, Subject 1 was ordered out of the vehicle by Officer B. As Subject 1 exited the vehicle he was ordered to spread his legs and place his hands on the roof of the car. As Subject 1 was about to place his hands on the roof of the vehicle, Officer B came up and twisted his left arm. Officer A then approached Subject 1 and hit him on the left side of his head with a flashlight or nightstick.

¹ All the Department reports indicated that Officer C recovered Subject 1's weapon and not Officer B. IPRA Investigator B authored the Roundtable report, but she did not recall exactly who stated that they recovered the weapon.

Once Officer A struck Subject 1, he fell to the ground and both officers began to “beat” him. Subject 1 related that Officer B kicked him in the right leg and then in the knee. Subject 1 then got up off of the ground and ran away from the officers because he was scared for his life. As he ran away from the officers, Officer B told Subject 1 to stop or he’ll shoot. Subject 1 stopped, put his hands in the air and then heard gunfire and felt pain in his hands. Subject 1 then fell to the ground and stated “I’m hit, I’m hit.” Subject 1 felt a shock and believed he had been tased. Subject 1 passed out and eventually woke up at Christ Hospital.

Subject 1 related that the circumstances documented in the arrest report are incorrect. Subject 1 denied that he was carrying a gun and that he never pointed a firearm or shot at the officers. Subject 1 could not remember who tased him because he was facing the ground. Subject 1 related that he did not know that the car he was driving was reported stolen and that a friend by the name of “[Nickname]” gave him the car to use for a few days.

Subject 1 related further in his deposition in essence the same information he related in his statement to IPRA. Subject 1 continues to state that he never had a gun during the incident. Subject 1 also indicated that he was in a yard when he surrendered and got shot. Subject 1 was questioned about him stating that he had a gun during the incident in the lawsuit. Subject 1 stated that he was advised by two jailhouse attorneys ([Male #1 and Male #2]), to keep it in the lawsuit since he pled guilty to having a gun during his court proceedings.

Subject 1 filed a civil suit pro se, Subject 1 documented that Officer B failed to explain his reasoning for stopping Subject 1. Once Subject 1 was out of the vehicle, Officer B twisted Subject 1’s arm to the extent of trying to break it. As Officer B was doing this, Officer A struck Subject 1 on the top left side of his head with a stick or flashlight causing the skin to break. Subject 1 then fell to the ground and Officers A and B began to beat him. Subject 1 got up from the ground and ran away from the officers to protect himself. As he was running, one of the officers told him stop or they will shoot. Subject 1 stopped with his hands raised and his back facing the officers. Subject 1 then heard shots being fired at him and could feel bullets hit his body. Subject 1 then fell to the ground and could feel that he had been shot several times. Subject 1 believed that he was dying from his injuries, until he felt a taser shock him in which he became unconscious. In his civil suit, Subject 1 admitted to having a firearm in his left pocket, but never pulled it out during the altercation. In shooting Subject 1, Officers A and B violated the rules and regulations of the Chicago Police Department by filing false reports and failing to abide by the use of force model. The shooting of Subject 1 was unwarranted, cruel, unjustifiable and excessive. The civil suit documented that Subject 1 was deprived of his rights under the Fourth and Fourteenth Amendment.

In a statement with IPRA, Witness 1 related that on 26 December 2009, at approximately 2345 hours he met with a black male known to him as only “[Nickname of

Subject 1]²,” now known to be Subject 1, at a bar located at 63rd and Morgan Street. Witness 1 related that he had a drink with Subject 1 and then the two of them went for a ride. Witness 1 left his car at the bar and went with Subject 1 in his vehicle. Witness 1 related that they were headed to a second bar on 75th and Rhodes, but continued to drive farther south, on the expressway, into the “100’s.” At one point, Subject 1 stopped the vehicle at a Citgo gas station and decided to head back to the bar on 63rd and Morgan.

The two then drove north on King Drive and turned right on to 79th Street. Witness 1 observed police lights behind them and “[Nickname of Subject 1]” continued for two or three blocks until he pulled to the side. A police officer, now known to be Officer B, approached the vehicle and asked Subject 1 for his driver’s license and insurance. Subject 1 provided the officer the information and told the officer that the vehicle was a rental. Officer B then asked Subject 1 to exit the vehicle and place his hands on the hood. Subject 1 complied and was patted down by Officer B and told not to move. Witness 1 believed that Subject 1 failed to comply with Officer B orders, because he and Officer B moved to the back of the vehicle. Witness 1 saw that Subject 1 with Officer B and a female officer, now known to be Officer A. Witness 1 observed Officer A swing her baton and Subject 1 fell to the ground. However, Witness 1 did not observe the baton make contact with Subject 1. Subject 1 then got up and ran from the officers who then pursued him. Witness 1 eventually lost view of Subject 1 and the two officers who were chasing him, but he heard six or seven gun shots emanating from an unknown area.

Witness 1 then exited the vehicle and went to an alley to urinate. When he returned to the vehicle, he observed a third police officer (M/B, bald head, no facial hair) search the vehicle. Witness 1 informed this officer that he was the passenger of the vehicle. The officer handcuffed Witness 1, placed him into a squad car, and then transported him to District 006 and then to Area Two. Witness 1 related further, he overheard officers in the squad car state that Subject 1 had a gun and then heard in the district station that the vehicle was stolen.

In a statement with IPRA, Witness 2 related he was in his apartment, located at XXXX S. Eberhart, watching television with his fiancé, Witness 3, when he heard what he thought were gunshots behind his building. When he went to his kitchen window, he saw two police officers in the alley running westbound along the alley. One officer was running through the parking area on the south side of the alley, while the other officer ran alongside the southern perimeter of the alley. The officers eventually stopped running and concentrated their attention to a porch located two door’s west of Witness 2 building. Witness 2 observed the officer who was standing in parking area point his firearm at the porch. Witness 2 heard the officer call out to an unseen subject underneath the porch, telling the subject to stay down. The officer then shot twice, and repeated the command to stay down. The subject, now known to be Subject 1, crawled from

² “[Nickname of Subject 1]” is Subject 1’s nickname.

beneath the porch and over to a green car parked in the parking area. Subject 1 stood at the rear of the car and the officer shot twice again. Subject 1 then ran along the rear wall of a restaurant near where the green car was parked. The officer shot twice again. The second officer standing near a pole to the north of the first officer also shot twice at Subject 1.

Subject 1 then ran westbound, arriving at the end of the alley. Subject 1 turned to the right and proceeded northbound on South Vernon Avenue. The two officers pursued Subject 1 on foot in that direction. All three then exited Witness 2's line of sight, at which point Witness 2 heard two more gunshots. Witness 2 related that he did not see Subject 1 fire a weapon at the officers and did not appear to be carrying a weapon. Upon inquiry, Witness 2 observed Subject 1 pumping his hands as he was running, but did not see him hold his hands above his head in the attitude of surrender.

In a statement with IPRA, Witness 3 related that she was at in her apartment, located at XXXX S. Eberhart, on the morning of 27 December 2009. At approximately 0130 hours, she was in her bedroom when she heard four gunshots, one right after the other. Witness 3 went to the window in her kitchen that overlooks the building's parking lot and alley. Witness 3 saw two police officers chase "a person," now known to be Subject 1. Witness 3 observed the officers duck behind cars as they chased Subject 1. Witness 3 related that it was dark and that she could not see if the officers and Subject 1 had guns in their hands. The officers were ducking behind vehicles as if they were trying to protect themselves. Witness 3 heard a male voice state, "And what now? So?" The voice came from the parking lot, near Witness 3's back porch. Witness 3 did not know if the officers or Subject 1 stated it. Witness 3 related that she was at the kitchen window for approximately five minutes before she returned to the bedroom. Once inside her bedroom, Witness 3 heard three more gunshots. Witness 3 did not know if Subject 1 or the officers fired the gunshots. While Witness 3 heard the gunshots, she did not actually observe any shots fired.

Attempts to contact witness, Witness 4 was met with negative results. On 14 May 2012, at approximately 1005 hours, the R/I made a personal visit to 444 E. 79th Street in an attempt to contact Witness 4. There was no answer at the door and the R/I left his business card with the request to contact the undersigned.

Attempts to contact witnesses from the canvass were met with negative results.

Medical Records for Subject 1 from Christ Hospital documented that Subject 1 was admitted on 27 December 2009 for a gun shot wound to the right abdomen, two gunshot wounds to the left hand, two gunshot wounds to the right arm and a gunshot wound to the hematuria after being involved in an altercation with the police. The documents listed Subject 1's date of birth as 09 February 1971. A survey of Subject 1 was performed by Doctor A. The survey determined that Subject 1 had a principal diagnosis of injury to the kidney with an open wound into the cavity. A second diagnosis found Subject 1 to have a retroperitoneal abscess, ascending

colon injury with an open wound into the cavity, acute kidney failure, injury to the liver with open wound into the cavity, open fracture to the middle or proximal phalanx or phalanges, open fracture to the metacarpal bone, open fracture to the lower end of the humerus, injury to digital nerve and retroperitoneum injury with open wound into the cavity. Subject 1 was discharged on 08 January 2010.

The **Chicago Fire Department Ambulance Report** documented that Subject 1 was laying on the left side with multiple gunshot wounds when paramedics arrived at the scene. The narrative documented that Mr. Carter received a gun shot wound to the left hand, right elbow, back, and front of elbow.

The related **Department Reports** (RD #HR707060, CB #17757369, Event #0936101511) documented that Subject 1 was arrested for two counts of Aggravated Assault on a Police Officer, being an Armed Habitual Criminal and Unlawful Possession of a Stolen Vehicle on 27 December 2009 at approximately 0150 hours near the location of 7839 S. Vernon Ave. Officer B in Beat 0632 and Officer A in Beat 0624 were listed as the arresting officer. The reports stated that Subject 1 was placed into custody after he was stopped driving a stolen vehicle. Subject 1 struggled with the officers and fled the scene on foot. After a brief chase, Subject 1 turned and pointed a hand gun at Officers A and B, who in fear of their lives fired their duty weapons, striking Subject 1. Subject 1 was placed in custody by Officer D and transported to Christ Hospital by Ambulance #37. Officer C, recovered a .45 Caliber handgun from Subject 1's left front pocket.

Tactical Response Report from Officer B documented that Subject 1 failed to follow verbal direction, fled, pulled away, was an imminent threat of battery by attacking Officer B with a weapon and was likely to cause death or great bodily harm with a weapon. Officer B responded with member presence, verbal commands, open hand strike and firearm. In the report, it was documented that Subject 1 was armed with a handgun and pointed said weapon at Officer B. Officer B discharged his weapon in the direction of Subject 1 in fear of his life and his partner's life. CPD Watch Commander concluded that Officer B encountered an armed subject who pointed a firearm in his direction and failed to comply with verbal directions to drop the gun. Fearing for his life, Officer B responded appropriately with deadly force to neutralize the threat. Based on the available evidence, CPD Watch Commander indicated that Officer B's actions were in compliance with departmental procedures and directives.

Officers Battery Report for Officer B documented that he did not receive any injuries from the attack.

Tactical Response Report from Officer A documented that Subject 1 failed to follow verbal direction, stiffened, fled, pulled away, was an imminent threat of battery by attacking Officer A with a weapon and was likely to cause death or great bodily harm with a weapon. Officer A responded with member presence, verbal commands, open hand strikes and firearm.

In the report, it was documented that Subject 1 was armed with a handgun and pointed said weapon at Officer A. Officer A discharged his weapon in the direction of Subject 1 in fear of her life and her partner's life. CPD Watch Commander concluded that Officer A encountered an armed subject who pointed a firearm in her direction and failed to comply with verbal directions to drop the gun. Fearing for her life, Officer A responded appropriately with deadly force to neutralize the threat. Based on the available evidence, CPD Watch Commander indicated that Officer A's actions were in compliance with departmental procedures and directives.

Officers Battery Report for Officer A documented that she received non-fatal, minor injuries from the attack.

A **Canvass** was conducted on 28 December 2009 near the location of 529 E. 79th Street and 7841 S. Vernon. The canvass documented that no residents witnessed the discharge of the involved officers at Subject 1.

Illinois State Police Forensic Science Laboratory Reports documented under Lab Case #C10-000606 that Officers A and B's firearms were tested and were in proper working condition. The unfired cartridges were analyzed for caliber and type only. The expanded shell casings recovered from the rear parking lot were from a Sig Sauer P226, 9mm, semiautomatic pistol. This pistol belongs to Officer B. The expanded shell casings recovered from the alley were from a Glock, Model 19, 9 mm, semiautomatic pistol. This pistol belongs to Officer A. A Leinad Inc., Model D, 45 Colt single shot derringer was recovered from Subject 1. Biological samples were taken from Subject 1's hands and test results indicated that Subject 1 may have not discharged a firearm with either hand. It is noted in the reports that if Subject 1 discharged a firearm, then the particles were removed by activity, were not deposited, or were not detected by the procedure.

Evidence Technician Photographs depicted photos of the crime scene and the involved officers (Officers A and B). The photos also depicted multiple spent casing in various areas.

Crime Scene Processing Report indicated that the forensic investigator, CPD Forensic Investigator A, recovered Subject 1 handgun from Officer C. The weapon was recovered from the Subject 1 and cleared by Officer C.

Surveillance Recording from 7852-7856 S. Eberhart documented the police involved shooting that occurred on 27 December 2009. IPRA Investigator C viewed the recording on 30 December 2009. The recording, which was video only and contained no audio, consisted of two cameras attached to the building and focused on the rear parking lot of the building. The alley that borders the parking lot is parallel to 79th Street. One of the cameras faced east and the other camera faced west. A black male is seen running west through the alley, followed by a male officer. A female officer followed the male officer approximately ten seconds later. The black male ran behind a staircase on the rear of the next building while the male officer ran, slid in the snow, and crouched down in front of a parked van. The female officer then crouched down

behind an adjacent vehicle, a second van, in the parking lot. IPRA Investigator C did not observe the black male, now known as Subject 1, with a weapon in his hands. The angle of the camera was not positioned to observe the officers hands. The male and female officers then ran out of the upper right corner of the frame towards Vernon. Nothing else was seen until blue flashing lights appeared in the distance of the frame on Vernon. The entire recording lasted approximately four minutes.

A search of **Police Observation Devices (PODS)** documented that POD #1032 located at 458 E. 79th Street was operational and in the vicinity of the incident. The POD recording on 27 December 2009 at approximately 0143 hours, depicted a dark colored vehicle being curbed by a marked SUV and marked squad car. Both police vehicles had their emergency lights activated. However, the activity between the officers and occupants in the dark colored vehicle is out of view. At 0146 hours, an individual believed to be Subject 1, is observed running away from the officers. Subject 1 ran towards the camera as Officers A and B's pursued him. Subject 1 ran towards the directional indicator of east, through a parking lot, with the officers still pursuing him. At this time, Subject 1 and the officers ran out of view from the camera. The video footage did not show a weapon in Subject 1's hand or the officer's hands. POD #1026 and #1023 were obtained, but only showed the officers curbing the vehicle driven by Subject 1. The camera angle was too far away to see the contact between the officers and Subject 1.

The related **OMEC Event Queries** documented that at 0150 hours on 27 December 2009 a police officer reported shots fired by the police at 527 E. 79th St/7859 S. Rhodes Ave. At 0151 hours an ambulance was needed at the location.

The **Detectives Supplementary Report of RD #HR-707060** documented the Reporting Detectives investigation of the incident. On 27 December 2009, at approximately 0200 hours the Reporting Detectives were assigned by CPD Sergeant 1 to investigate a police involved shooting which occurred at 79th Street and Rhodes. The Reporting Detectives learned that the offender, Subject 1, was in custody and had been transported to Christ Hospital.

After arriving at the scene, the Reporting Detectives learned that Officer B observed the subject driving fast and erratic in traffic. Officer B ran the license plate and the subject's vehicle came back stolen. Officer B curbed the vehicle at 529 E. 79th Street with Beat 624, occupied by Officer A, assisting. During a protective pat down, Officer B learned that Subject 1 was armed with a handgun. At this point, Officers A and B attempted to place Subject 1 into custody. Subject 1 became combative and broke free from the officers and fled westbound on 79th Street. Officer B observed Subject 1 carrying a handgun in his left hand and gave pursuit.

Officer B shot at Subject 1 in the Family Dollar parking lot a half block west on 79th Street. Officers A and B continued their foot pursuit westbound through the alley of 79th Street and Eberhart to Vernon. More shots were fired during this part of the pursuit. The foot chase

continued northbound on the east sidewalk of Vernon. Subject 1 turned into the gangway of 7839 S. Vernon where he was apprehended in the backyard.

The Reporting Detectives spoke with Officer C who related that he and his partners, Officer E and Officer D responded to the scene to assist the involved officers. Officer C made entry into the backyard of 7839 S. Vernon where Subject 1 was apprehended. A .45 caliber one-shot was recovered from Subject 1's front left pocket along with three loose .45 caliber rounds.

The Reporting Detectives relocated to Christ Hospital along with Assistant States Attorney A to interview Subject 1. After being advised of his rights, Subject 1 requested the services of a lawyer and the interview was terminated.

The **Court Disposition** indicated that Subject 1 plead guilty to armed violence and armed habitual criminal and was sentenced to 14 years in jail.

The **transcribed court proceedings** indicated that Subject 1 pled guilty to armed habitual criminal. Subject 1 was sentenced to 14 years in prison.

In a statement with IPRA on 17 June 2013 the witness, Officer C stated 27 December 2009 he was assigned to Targeted Response Unit (#253). Officer C was working with Officers D and E. Officer C related that he responded to the location of 7839 S. Vernon for an emergency broadcast transmission of a foot pursuit. When he got to the location, Officer C observed Officers A and B running with their guns out. Officer B then yelled out loud, "There he is" and Officer C heard a gate rattling in a nearby yard. Officer C began closing in on the offender, Subject 1, when he heard Officer B fire his weapon twice. Officer C got behind Officer B as they attempted to enter a locked gate. When they were unable to enter the yard, Officer C then ran around to the front of the house, ran through a gangway and hopped two fences.

As Officer C entered the yard he heard Officer D tell Subject 1 to put his hands up and get on the ground. When Officer C entered the yard, Officers D and E began to handcuff Subject 1. During this time, Officer C began to pat Subject 1 down and as he went through his (Subject 1) pockets, he found a loaded derringer pistol in either his right or left pocket. Officer C kept the weapon in his custody until the crime lab arrived to the scene. Officer C observed Subject 1 bleeding from one of his hands, but he could not recall which one. Officer C indicated that Officers A and B did not assist in the handcuffing of Subject 1. Officer C related that no one tased Subject 1. Officer C stated that either he or the officer from the crime lab cleared the weapon. Officer C could not provided any other information related to the incident.

In statements with IPRA, Accused Officer A related that on 27 December 2009, she was in full uniform, assigned to beat 634 without a partner. Officer A related that she had just finished handling a domestic battery call with Officer B. Officer A followed Officer B in her own squad car and noticed that Officer B activated his emergency equipment. Officer B curbed a vehicle at 79th and Rhodes. Officer B exited his squad car and approached the driver's side of

the vehicle, while Officer A exited her squad car and approached the passenger's side of the vehicle.

Officer A overheard Officer B ask the driver, now known to be Subject 1, for his driver's license. Subject 1 replied that he did not have a driver's license. Officer B then asked Subject 1 to step out of the vehicle and Subject 1 complied. Officer B asked Subject 1 to place his hands on top of the roof of the vehicle. Subject 1 complied and Officer B began to do a pat down of him. As Officer B was patting him down, Subject 1 started to stiffen his body and twist and turn. Officer B then attempted to handcuff Subject 1, but was met with resistance. Officer A went over to the driver's side to assist Officer B. Officers A and B attempted to perform an emergency take down on Subject 1, but he kept stiffening his body. Officer A observed Officer B perform a hand strike on Subject 1, but could not remember how many times. Eventually, Officers A and B were able to get Subject 1 down to the ground, but he pulled his coat over his head, stood up, and ran westbound. Officer A did not see Subject 1 possess a weapon at this time.

Officers A and B pursued Subject 1 through the Family Dollar parking lot which is located at 79th and Eberhart. Officer B was ahead of Officer A and yelled, "He has a gun," and then stated "Drop the gun." Officer B then discharged his weapon towards Subject 1. Officer A took cover and did not see Subject 1. Officer A then heard Subject 1 state, "I'm hit, you shot a black man." Subject 1 then ran northwest and into an alley. Officers A and B continued to pursue him. Once Subject 1 entered the alley, he hid under a stairwell. Subject 1 continued to state, "I'm hit, you hit a black man." Officer B ordered Subject 1 to get out from underneath the stairwell several times. Subject 1 ran out from underneath the stairwell and continued to run through the alley, away from the officers. Officers A and B continued to pursue Subject 1 until they reached the "T" of the alley. Once at the "T" of the alley, Subject 1 began to turn around, raised his arm and pointed a weapon towards Officer A. Officer A discharged her firearm that struck Subject 1 in the chest. Subject 1 began to fall backwards, but was able to regain his momentum and pushed himself back forward and continued to run westbound and then turned northbound on Vernon.

Subject 1 continued north on Vernon and then entered a gangway. Officers A and B continued to pursue him. Officer B was ahead of Officer A and yelled again, "Drop the weapon." Officer B then discharged his weapon. Officer A related that she could see that Subject 1 had a weapon in his hand. Officer A turned around and double backed through the alley because she knew that Subject 1 was blocked in. Officer A ran through the alley, hopped the fence and observed Subject 1 to be lying down on the northeast side of the backyard next to the garage. At this time, other officers were on the scene and handcuffed Subject 1. Officer A was not able to recall if Subject 1 still possessed a weapon when he was placed into custody, because she did not place him into custody.

Officer A related that she did not recall using her baton or striking Subject 1 with her baton at any time during the incident. Additionally, she noted that her Tactical Response Report (TRR) did not document that she used her baton. Officer A related that if she used her baton she would have documented it in her Tactical Response Report (TRR). Officer A was in fear of her life when Subject 1 pointed a weapon towards her, so she discharged her firearm at Subject 1. Officer A did not falsify circumstances of Subject 1's arrest. Officer A did not falsely charge Subject 1 with Aggravated Assault on a Police Officer as he threatened her and Officer B by pointing a weapon at them. Officer A did not observe any officer tase Subject 1 nor did Subject 1 ever complain about being tased to Officer A.

In statements with IPRA, Accused Officer B related that on 27 December 2009 he was in full uniform, assigned to Beat 632 by himself. Officer B related that he was at 79th Street and King Drive when he observed a vehicle travel at a high rate of speed. Officer B ran the vehicle's license plate number and it came back stolen. Officer B activated his emergency equipment and curbed the vehicle at 79th Street and Rhodes. Officer B exited his squad car and approached the vehicle. As he was doing this, Officer A arrived at the scene. Officer B approached the driver, now known to be Subject 1 and asked for his identification. As he did this, Officer A approached the passenger's side of the vehicle.

Officer B then asked Subject 1 to step outside of the vehicle and he complied. Officer B observed Subject 1 to be a little intoxicated and could smell alcohol on his breath. Once Subject 1 was outside of the vehicle, Officer B asked him to turn around and place his hands on top of the vehicle's roof. Subject 1 complied and Officer B began to conduct a protective pat down, during which Officer B felt what appeared to be a handgun in Subject 1's left pants pocket.

At that point, Officer B reached for his handcuffs and attempted to place Subject 1 under arrest, but Subject 1 turned around and began to fight with Officer B. Officer B related that Subject 1 turned and swung his elbow towards him and then started swinging his fists. Officer B attempted to wrestle Subject 1 to the ground. At the same time, Officer A came over to assist Officer B. In an attempt to subdue Subject 1, Officer B performed hand strikes on Subject 1's head. Officer A approached and gave verbal directions for Subject 1 to stop fighting. Officer A then pulled out her ASP and started to swing it at Subject 1. As Officer A was doing this, Subject 1 slipped out of his jacket and broke free from Officer B.

Subject 1 ran westbound on 79th Street and Officer B began to pursue him. Officer B observed Subject 1 reach into his pocket and pulled out a handgun. Officer B continued to pursue Subject 1 heading north through a parking lot. Officer B yelled out that Subject 1 had a gun. At that point, Subject 1 turned towards Officer B and pointed the weapon in his direction. Officer B then discharged his firearm approximately four or five times. Officer B was not sure if he struck Subject 1 but Subject 1 stated words to the effect of, "Black man, black man, you hit me, you hit me." Subject 1 continued to run in to the "T" alley between Eberhart and Vernon. Officer B continued to pursue Subject 1 and observed Subject 1 run under some stairs of a

storefront. Officer B took cover and continued to order Subject 1 to stop. Officer B approached the storefront and ordered Subject 1 to drop the gun and “lay down on [his] belly.” Subject 1 came out from underneath the stairs and pointed the gun in Officer B’s direction. Officer B discharged his firearm again approximately three to four times. Subject 1 then ran down the “T” alley. At this point, Officer A caught up to Officer B. Officer A ordered Subject 1 to stop and drop the gun. Officer B observed Subject 1 turn and point the gun in the direction of Officer A. Officer A then fired her weapon approximately two or three times striking Subject 1. Subject 1 continued to run westbound in the “T” alley and the officers pursued him.

Officers A and B reached Vernon and lost sight of Subject 1. Officer B related that he heard a sound as if someone was climbing or going through a chain link fence about two or three yards north of the “T” alley. Officer A double backed down the “T” alley while Officer B approached the front yard. As Officer B approached the front yard he encountered Subject 1 again and gave him verbal commands to drop the weapon. Subject 1 again turned towards Officer B and Officer B again fired his weapon approximately three or four times striking Subject 1, causing him to fall to the ground. Instead of going through the gangway, Officer B turned around and went to the next gangway because he didn’t know where Subject 1 was. Officer B went to the next gangway and approached the rear. Once he got to the rear, he observed assisting units place Subject 1 in custody.

Officer B denied twisting Subject 1’s arm. Officer B admitted to striking Subject 1 about the body with open hand strikes to subdue him. This was documented in Officer B’s Tactical Response Report (TRR). Officer B did not shoot Subject 1 without justification. Officer B was in fear of his life when Subject 1 pointed a weapon towards him, so he discharged his firearm at Subject 1. Officer B denied that he falsified the circumstances of Subject 1’s arrest. Officer B denied that he falsely charged Subject 1 with Aggravated Assault to a Police Officer. Officer B did not observe Officer A strike Subject 1 in the head or body with her baton or ASP at any point during the incident. Officer B did not observe any officer tase Subject 1 before he was placed into custody. Officer B related that he did not recover Subject 1’s weapon, and had no knowledge of who recovered the weapon.

CONCLUSION:

Officer A:

Allegations #1-2: Not Sustained – Witness 1 and Officer B related in their statements that Officer A took out her baton and/or ASP and started swinging it towards Subject 1. However, both witnesses did not see Officer A strike Subject 1 with the baton. Subject 1’s story is inconsistent with what really occurred. Once outside of the vehicle, Subject 1 began to struggle with Officer B who attempted perform an emergency take down of Subject 1.

Allegation #3:

This investigation found that the use of deadly force was **Exonerated** 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.”

Officer A’s actions were in accordance with CPD’s policy. Subject 1 threatened Officer A’s life when he pointed a weapon at her. In fear of her life, Officer A used deadly force, which was the appropriate use of force for the situation. Subject 1’s story is inconsistent with witness’ accounts. Numerous witnesses related in their statements that they saw two police officers chase a subject through the alley. Subject 1 indicated that he only ran about 10 feet and then put his hands in the air, and then fell to the ground. The POD video depicted Subject 1 running from the officers for over a block and never shows the officers firing their weapons at him.

Furthermore, Subject 1 originally stated that he never had a weapon during his encounter with Officers A and B. In Subject 1’s Civil Suit he reported that he had a weapon in his pocket, but he never removed the weapon from his pocket. Subject 1 then stated in his deposition, that he never had a gun, but was told to include in his civil suit since he had pled guilty to it in his court proceedings. Subject 1 gave inconsistent accounts of the incident throughout the investigation. Subject 1’s actions caused Officer A to be in fear of her life and that of the other

officers on the scene, which resulted in Officer A firing her weapon at Subject 1 to prevent death or great bodily harm.

Allegations #4 - 5: Unfounded – The R/I recommends a finding of Unfounded for allegations #4-5 against Officer A. Subject 1 failed to follow the officer’s verbal directions. Subject 1 was charged with Aggravated Assault to a Police Officer, due to the fact that he fled on foot from the scene and threatened Officer A by pointing a firearm at her. Subject 1 gave inconsistent and false accounts of the incident throughout the investigation. Based of the evidence gathered the R/I recommends a finding of **Unfounded** against Officer A.

Officer B:

Allegation #1 - 2: Not Sustained – Subject 1 alleged that Officer B twisted his arm and kicked and punched Subject 1 about the body. Officer B related that he conducted a protective pat down of Subject 1 and felt a gun in his left pants pocket. Officer B attempted to place Subject 1 into custody, but Subject 1 began to resist. In an attempt to subdue Subject 1, Officer B performed open hand strikes to the head and an emergency take down. Officer B admitted this during his statement and documented it in his Tactical Response Report (TRR). Subject 1 denied resisting the officers and stated that he only ran from the officers because they were “beating” him. Due to the lack of evidence to either prove or disprove the allegations, the reporting investigator recommends a finding of **Not Sustained**.

Allegation #3:

This investigation found that the use of deadly force was **Exonerated** 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:

- B. “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:
 - 3. to prevent death or great bodily harm to the sworn member or to another person, or;
 - 4. 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.”

Officer B’s actions were in accordance with CPD’s policy. Subject 1 threatened Officer B’s life when he pointed a weapon at him. In fear of his life, Officer B used deadly force, which was the appropriate use of force for the situation. Subject 1’s story is inconsistent with witness

accounts. Numerous witnesses related in their statements that they saw two police officers chase a subject through the alley. Subject 1 indicated that he only ran about 10 feet and then put his hands in the air. The POD video depicted Subject 1 running from the officers for over a block and never shows the officers firing their weapons at him.

Furthermore, Subject 1 originally stated that he never had a weapon during his encounter with Officers A and B. In Subject 1's Civil Suit, he reported that he had a weapon in his pocket, but he never removed the weapon from his pocket. Subject 1 explained in his deposition, that he never had a gun and that he was told to put that in the civil suit, because he pled guilty to having a weapon. Subject 1 gave inconsistent accounts of the incident throughout the investigation. Subject 1's actions caused Officer B to be in fear of his life and that of the other officers' on the scene, which resulted in Officer B firing his weapon at Subject 1 to prevent death or great bodily harm.

Allegations #4-5: Unfounded - The R/I recommends a finding of Unfounded for allegations #4-5 against Officer B. Subject 1 failed to follow the officer's verbal directions. Subject 1 was charged with Aggravated Assault on a Police Officer, due to the fact that he fled on foot from the scene and threatened Officer B by pointing a firearm at him. Subject 1 gave inconsistent and false accounts of the incident throughout the investigation. Based on the evidence gathered the R/I recommends a finding of **Unfounded**.

Unknown Officers

Allegation #1: Unfounded – Subject 1 was apprehended in a backyard after being shot multiple times. It is unknown what kind of condition Subject 1 was in during this time. The medical records and ambulance report does not document the removal of taser prongs from Subject 1's body. Furthermore, the arresting officers did not complete a Tactical Response Report and document the use of a taser when arresting Subject 1. Subject 1 was unable to identify the officer that allegedly tased him. Based on the information provided the R/I recommends a finding of Unfounded.