

INDEPENDENT POLICE REVIEW AUTHORITY

LOG# 1032801/U# 09-56

INVESTIGATION

NUMBER: LOG# 1032801/U# 09-56

OFFICER #1

INVOLVED: “Officer A” (Chicago Police Officer); Male/White; 26 years old;
On-duty; In Uniform; Year of Appointment – 2006

OFFICER #2

INVOLVED: “Officer B” (Chicago Police Officer); Male/White; 32 years old;
On-duty; In Uniform; Year of Appointment – 2002

OFFICER #3

INVOLVED: “Officer C” (Chicago Police Officer); Male/White; 28 years old;
On-duty; In Uniform; Year of Appointment – 2005

SUBJECT: “Subject 1”; Male/Black; 20 years old

SUBJECT’S

INJURIES: One gunshot wound to the abdomen and one gunshot wound to the
left forearm.

INITIAL

INCIDENT: Attempted street stop.

DATE/TIME

OF INCIDENT: 29 Dec 09, 0035 hours

LOCATION:

3841 W. Chicago Avenue
Beat 1112

SUMMARY OF INCIDENT:

On 29 Dec 09 at approximately 0030 hours, Officer A and Officer D, assigned to Beat 1115, were on routine patrol when they were flagged down by unknown citizens in a white four door car, who related that they were shot at by the occupants of a minivan in front of the officer's vehicle. The officers reported the information over the radio and attempted to curb the van, which fled the area. The officers followed the van to the alley between Avers Avenue and Springfield Avenue south of Chicago Avenue, where the van crashed into a fence. The van reversed and struck the officers' vehicle. The driver, now known to be the subject, Subject 1, fled from the van with a chrome semi-automatic handgun in his hand. Officer A chased Subject 1, announced his office and told him to drop the weapon. Subject 1 refused and pointed the gun at Officer A. Officer A fired his weapon twice at Subject 1. Subject 1 continued running north through a vacant lot on Avers, where Officer B and C's squad car was located while responding to the radio call. The officers gave Subject 1 verbal commands to drop his weapon, but he refused and instead pointed his weapon at the officers. Officer B and C both fired their guns at Subject 1. Subject 1 continued running north across Chicago Avenue and dropped his weapon in a vacant lot. Subject 1 ran through alleys and gangways in an attempt to hide from officers, but was apprehended in a gangway at 823 S. Springfield. There were six to seven individuals in the van who fled, along with Subject 1; six were apprehended. Subject 1 was transported to Stroger Hospital with a gunshot wound to the abdomen and forearm.

INVESTIGATION:

Officer A related to the **Roundtable panel** an account that was consistent with the Summary of Incident. Officer A added that after the unknown vehicle flagged them down, he and Officer D continued following the minivan west onto Iowa Street and relayed this information through the radio. When the minivan turned onto Springfield Avenue and Beat 1111 radioed that they were two cars behind the minivan, Officer A turned on the emergency equipment and followed the minivan into an alley west of Springfield Avenue. The minivan drove into the alley, through a vacant lot, then over the curb onto Chicago Avenue. The minivan then turned into the alley on the south side of Chicago Avenue and drove through a vacant lot to another alley. The minivan crashed into a fence near the alley. The driver, now identified as Subject 1, drove the minivan in reverse, striking Officer A and D's squad car. Subject 1 then got out of the van and fled north and east through the alleys. Officer A exited the squad car and pursued Subject 1. Subject 1 pointed a gun at Officer A, who announced his office, gave verbal commands to Subject 1 to drop the gun, and then fired his gun twice at Subject 1 after Subject 1 refused to follow those verbal commands.

Subject 1 continued running north, with Officer A pursuing him. Subject 1 ran into a vacant lot, where he pointed the gun at several approaching officers. The officers announced their office and ordered Subject 1 to drop his weapon; he again refused. The officers fired at Subject 1, who continued running north, across Chicago Avenue, again pointing his gun at the officers. The officers fired their guns at Subject 1 again. Officer A observed Subject 1 drop the gun and continue to run. Officer A continued chasing Subject 1 until he was apprehended in the gangway of a house on Springfield.

Officer D related to the **Roundtable panel** an account that was consistent with the Summary of Incident. Officer D related that after he and Officer A stopped behind the minivan in the alley, the minivan went in reverse, striking their squad car. The occupants of the minivan fled on foot. Officer D pursued and apprehended one of the individuals and heard several gunshots. Officer D did not know who fired their guns.

Officer B related to the **Roundtable panel** an account that was consistent with the Summary of Incident. Officer B added that Officer C was driving the squad car and, after observing the minivan and squad car behind it go south on Springfield Street, drove their squad car east on Chicago Avenue, then south on Avers Avenue in an attempt to cut off the minivan's path. Officer B heard gunfire when they were driving on Avers, but did not see who fired. Shortly thereafter, Officer B observed a black male, Subject 1, exit the alley holding a gun in his hand. Subject 1 pointed the gun at Officer B, who ordered him to drop the gun. Subject 1 refused to do so and Officer B fired his gun three times at Subject 1. Officer C also fired his gun at Subject 1. Subject 1 continued running into a vacant lot. Officer B observed Officer A pursuing Subject 1 as Subject 1 ran north through the lot. Officer B heard other officers yelling at Subject 1 to drop his gun and Subject 1 continued to ignore the officers' commands. Officer B observed Officer C fire

INDEPENDENT POLICE REVIEW AUTHORITY
LOG# 1032801/U# 09-56

his gun at Subject 1 two more times after Subject 1 crossed Chicago Avenue and again pointed the gun at officers.

Officer C related to the **Roundtable panel** an account that was consistent with the Summary of Incident. Officer C added that he and Officer B responded to a call for assistance, and upon observing the squad car with its lights and sirens on behind the minivan, he drove on the street parallel to their location. Upon reaching Avers Avenue, Officer C heard gunshots, but did not see who fired. He exited the squad car and observed Subject 1 running from an alley into a vacant lot. Subject 1 was pointing a gun at Officers B and C. Officers B and C ordered Subject 1 to drop the gun, which he refused to do. Officer C stated he was standing next to the driver's side of his squad car and fired once at Subject 1. Officer B also fired at Subject 1 at the same time. Subject 1 continued running north across Chicago Avenue and Officer C pursued him. Subject 1 again pointed his gun at Officer C and Officer C fired at Subject 1 two more times. Subject 1 stumbled and dropped the gun, but kept running. Officer C pursued Subject 1 until he was apprehended at 823 N. Springfield Street.

In a statement to the IPRA on 05 Sep 12, the Involved Member, **Officer B**, provided a statement that was consistent with the Summary of Incident, Department Reports and the account he provided at the Roundtable. Officer B stated he was working Beat 4450B with Officer C, when they responded to a radio transmission requesting assistance for officers following a vehicle that was reported to have guns. Officer C drove to the location provided by Officers A and D, which was the intersection of Iowa Street and Pulaski Avenue. The officers turned onto Iowa and observed the minivan driving directly towards them. The minivan then turned southbound into an alley. Officer C drove east then south onto the next street in an effort to parallel the minivan. The minivan continued south in the alley, crossing Chicago Avenue. The officers went east on Chicago Avenue, then turned south onto Avers Avenue. At that time Officer B lost sight of the minivan when it drove behind a building.

The officers came to a stop on Avers Avenue, and as Officer B exited the squad car, he heard two gunshots coming from the alley where he assumed the minivan was located. Officer B did not know who had fired a gun. Officer B then observed a black male, Subject 1, running towards him with a gun in his hand. Officer B yelled, "Police! Drop your gun!" Subject 1 responded by pointing the gun at Officer B and C. Officer B fired at Subject 1 two to three times. He was standing approximately 25-35 feet away from Subject 1 when he fired. Officer B was aware that Officer C also fired but stated that this was right after he fired. Subject 1 continued running into a vacant lot on the corner of Avers Avenue and Chicago Avenue with officers pursuing him. As Subject 1 crossed Chicago Avenue he turned sideways and pointed his gun at Officer B and C again. Officer C was in Officer B's line of fire, so Officer B was unable to fire at Subject 1. Officer C did fire at Subject 1. Subject 1 dropped his gun but continued running. It was at this time that Officer B was aware that Subject 1 had been struck by gunfire.

INDEPENDENT POLICE REVIEW AUTHORITY

LOG# 1032801/U# 09-56

Officer B heard an officer yell that he would secure the weapon.¹ Officer B and other officers pursued Subject 1 and apprehended him seconds later in a gangway on Springfield Street.

In a statement to the IPRA on 05 Sep 12, the Involved Member, **Officer A** provided a statement that was consistent with the Summary of Incident, Department reports and the account he provided at the Roundtable panel. Officer A stated he was working with Officer D. They were following a minivan that had disregarded a stop sign when another vehicle flagged them down and informed them that the occupants of the minivan had fired at them and had guns in the car. The officers pursued the minivan and requested assistance via the radio when they observed that there were multiple occupants in the minivan. Once assisting units were in the area, Officers A and D activated their emergency lights and sirens and attempted to curb the minivan. The minivan disregarded the lights and sirens and continued driving westbound on Iowa then turned south into the alley west of Springfield Street, through a vacant lot, onto Chicago Avenue, east on Chicago Avenue then turned into the alley south of Chicago Avenue, east of Springfield Street. The minivan was driving at a normal rate of speed, and upon turning south into the alley off of Chicago Avenue, it crashed into a fence. When Officers A and D's squad car approached the minivan, the minivan went into reverse and crashed into their squad car. Officer A immediately exited his squad car and observed the driver of the minivan, Subject 1, exit the minivan holding a gun in his hand. Officer A drew his weapon and announced his office. Subject 1 fled eastbound and Officer A gave chase. Subject 1 ran for approximately 25-30 feet, turned right while running, and pointed his gun at Officer A. Officer A fired twice at Subject 1, then stopped firing because he became aware of assisting police units in his line of sight, east of his location, driving on Avers Avenue. Subject 1 continued running east, then turned northbound into a vacant lot, west of Avers Avenue. Officer A continued pursuing him and observed assisting police units on the street to his right. Officer A was now approximately 35-40 feet away from Subject 1 when he observed Subject 1 turn to the right and point his gun at other officers; Officer A then heard several gunshots but did not see who fired a gun. Subject 1 continued running, crossing Chicago Avenue with Officer A pursuing him. Officer A heard several more gunshots to his right and did not know who fired a gun but assumed it was police officers. Subject 1 dropped the gun in a vacant lot and continued running northbound, ending up in a gangway on Springfield Avenue where he was apprehended.

In a statement to the IPRA on 06 Sep 12, the Involved Member, **Officer C** provided a statement that was consistent with the Summary of Incident, Department reports and the account he provided at the Roundtable panel. Officer C stated that he was working Beat 4450B with Officer B. Officer C stated he was driving the squad car as they responded to a call requesting assistance. Officers B and C arrived in the vicinity of the location provided by Officers A and D and observed a minivan along with approximately 4-5 squad cars following behind it. Rather than get behind the last squad

¹ The identity of this officer was not known during the Roundtable and was not learned during the investigation.

INDEPENDENT POLICE REVIEW AUTHORITY
LOG# 1032801/U# 09-56

cars the officers instead drove one block over and followed the minivan from there. The minivan turned into an alley and Officer C lost sight of it.² Officer C was driving towards its location when it was announced over the radio that the minivan crashed into Officer A's vehicle; seconds later Officers B and C heard gunfire. Officer C drove to the last location called over the radio. At this time they could not see either the minivan or the officers' squad car because they parked near a building that was blocking their view. As Officer C was putting the squad car in park, Officer B was already exiting the squad car as Subject 1 ran around the building towards them with a gun in his hand pointed in the officers' direction. Officer B immediately fired at Subject 1. Officer C exited the squad car, took several steps back so that Officer B was not in his line of fire and fired several times at Subject 1. Officer C was standing approximately 30 feet away from Subject 1 when he fired at him. As the officers fired at him, Subject 1 changed direction and began running in a diagonal direction, northbound, away from the officers across Chicago Avenue and through a lot. Officers B and C pursued Subject 1. As Subject 1 ran, he turned and continued pointing the gun at Officers B and C. For this reason Officer C fired at Subject 1 again. Officer C observed that Subject 1's body jerked and he dropped the gun but continued running.³ Subject 1 ran into a gangway on Springfield and tried to hide but was apprehended and placed into custody by assisting officers.

In a statement to the IPRA on 10 Oct 12, the Witness Member, **Officer D** provided a statement that was consistent with the Summary of Incident, Department reports and the account he provided at the Roundtable panel. Officer D stated that he was working with Officer A and was driving their squad car. The officers were directly behind the minivan with their lights and sirens activated. The minivan crashed into a fence and the side door of the minivan opened. Officer D was in the process of unbuckling his seat belt when the minivan went in reverse and struck the squad car. The impact caused Officer D's head to hit the windshield of his squad car. Officer D still exited the squad car and observed approximately six individuals fleeing from the minivan via the passenger door. One of the males fell and Officer D held him at gunpoint until assisting vehicles arrived and placed him into custody. It was at the same time that Officer D heard gunshots, but did not see anyone fire a gun; he did not know who fired. Officer D did not know Officer A's location because they both went in different directions after the minivan struck the squad car. Officer D was taken to the hospital for his injuries and was treated and released.

A **canvass** was conducted and one possible Witness 1, provided inconsistent accounts of the incident that he observed. A subsequent attempt to interview Witness 1 was met with a negative result.

In an interview with the IPRA on 13 Jan 10, **Witness 2** stated he had no knowledge of the incident and was stopped by officers when he exited his home via the

² Officer C was unable to recall the street names or directions that the vehicles traveled.

³ Officer C stated that at some point after he fired his gun, possibly after the second time he fired, he changed the magazine but could not recall if his gun experienced a malfunction or why exactly he changed the magazine during the incident.

INDEPENDENT POLICE REVIEW AUTHORITY
LOG# 1032801/U# 09-56

back door, after hearing voices and noises. Witness 2 was taken the police station by police officers and was questioned for several hours then released without being charged.⁴

Attempts to interview subject **Subject 1** via letters, telephone calls and personal visits were met with negative results. Subject 1 refused to cooperate with the investigation.

Attempts to interview witnesses **Witnesses 3, 4, 5, 6, and 7** via letters and personal visits were met with negative results. They did not cooperate with the investigation.

Department reports including the Case Supplementary Report include accounts of the incident that are consistent with the Summary of Incident and the accounts provided at the Roundtable.

Witness 1 related to Detectives that he was standing at the rear of his apartment, located at XXXX W. Chicago Avenue, #3rd floor, when he heard one gunshot that he believed came from the south alley of Chicago Avenue and Avers Avenue. Witness 1 ran to his bedroom window which faces west towards Avers Avenue and looked out of the window. Witness 1 heard three additional gunshots and observed uniformed officers chasing a male black towards the corner of Chicago Avenue and Avers Avenue. Witness 1 observed male black raise his left arm, stumble and continue running with the officers pursuing him.⁵

During the IPRA canvass, Witness 1, declined to provide an interview, but stated that at the time of the incident he was on his back porch when he heard a “boom.” Witness 1 ran inside to his bedroom and heard two gunshots. Witness 1 looked out of his bedroom window and observed several police officers chasing an unidentified black male. The black male and officers ran across Chicago Avenue and out of Witness 1’s sight. Witness 1 also stated that he observed the officers shoot the unidentified black male, but later stated he did not witness the officers shoot a gun.

Witness 4 related to detectives that he was sitting on a porch at 1059 N. Springfield when a van pulled up to the residence. Witness 6 called him over to the van and Witness 4 got in. Already inside of the van were Witness 8, Witness 5, Witness 3, Subject 1 and an individual Witness 4 knows only as “[Nickname].”⁶ Subject 1 was

⁴ Witness 2 provided a conflicting account to detectives, stating that he was in a van with several individuals and when police attempted to pull the van over, the van fled. When the van crashed, Witness 2 fled on foot. Witness 2 denied having a gun and refused to answer any additional questions.

⁵ Witness 1 was initially cooperative with detectives and taken to the Area to be interviewed but later stated that he wished to go home and no longer wanted to assist in the investigation. Witness 1 was taken home prior to the Roundtable commencing.

⁶ The identity of “[Nickname]” was not learned either by Detectives or the IPRA during the course of the investigation.

INDEPENDENT POLICE REVIEW AUTHORITY
LOG# 1032801/U# 09-56

driving the van. Witness 6 pulled out a gun and demanded Witness 4's money. Witness 8, Witness 5, Witness 3 and Witness 6 were also demanding money and had guns. Subject 1 drove to the area of Ferdinand and Avers and Witness 4 observed a white car driving in their direction. Witness 6 got out of the van and fired one shot at the white car. Witness 4 demanded to be let out of the van, but he was not let out. Witness 4 observed a marked police vehicle behind the van and Subject 1 began driving at a high rate of speed to get away from the police. Subject 1 crashed the van in an alley south of Chicago Avenue and, at that time, Witness 4 fled on foot; as he was running he heard a loud crash of two vehicles colliding.⁷

Witness 5 related to detectives that he was with his friends, Subject 1, who was driving a minivan, Witness 6, Witness 3, Witness 8 and Witness 4. Witness 5 stated that Witness 6 was armed with a .38 caliber revolver, Subject 1 was armed with a chrome semi-automatic handgun and Witness 3 was armed with a .22 caliber German gun. As Subject 1 was driving around, a car got really close to the van so Subject 1 gave the occupants of the car a dirty look. Witness 6 got out of the minivan and fired one shot from the revolver into the air. A short time later, a marked Chicago Police vehicle was driving behind their van. The police vehicle followed behind the van for a short time but did not immediately turn on its lights and sirens. Once the officers turned on the lights and sirens Subject 1 sped up and drove down some alleys and through a couple of vacant lots to try and get away from the police. Subject 1 then crashed into a gate in the t-alley of Avers and Chicago Avenue. Everyone got out of the van. As Witness 5 was trying to get out, Subject 1 purposely accelerated in reverse and hit the police car hard enough to make the side door of the van shut and throw Witness 5 from a seated position to his knees in the van. Subject 1 then ran out of the van carrying the chrome gun. Witness 5 exited the van and put his hands in the air and was immediately placed under arrest by police officers. Witness 5 heard police officers yelling, "Police! Drop the gun!" He then heard gunshots.

Witness 6 related to detectives that he was standing on the corner of Thomas Street and Springfield Avenue at approximately 5:00 p.m. when Subject 1 drove up in a green minivan. Witness 6 got in the van and sat in the front passenger seat. Witness 6 and Subject 1 drove around for awhile, drinking tequila, then picked up Witness 3 and Witness 8. Approximately thirty minutes later Subject 1 stopped the van at Thomas Street and Springfield Avenue so Witness 3 could do a "lick."⁸ Witness 3 did the "lick" then got back in the van. They drove around for awhile and stopped to pick up Witness 4, and an individual he only knows as "[Nickname #2]," then bought marijuana.⁹ Witness 6 stated he observed three handguns in the car, two semi-automatic guns and one revolver. As they were driving, Subject 1 got into a verbal altercation with the occupants

⁷ Based on Witness 3's conflicting account of the incident, Detectives canvassed the area around 1059 N. Springfield but did not find any witnesses that corroborated his account. Witness 8 was not identified or located at the time of the incident and there was no subsequent contact information provided for Witness 8.

⁸ A "lick" is a street term for committing a robbery.

⁹ The identity of "[Nickname #2]" was not learned by Detectives or the IPRA during the course of the investigation.

INDEPENDENT POLICE REVIEW AUTHORITY
LOG# 1032801/U# 09-56

of a vehicle driving in the opposite direction. Subject 1 exited the vehicle and continued the verbal altercation. The vehicle began driving away. Witness 6 reached down, grabbed a .38 revolver from the floor, exited the minivan and shot the gun in the air one time. They all got back in the van and a short time later a marked Chicago Police Department vehicle started following them and after several minutes, turned on its lights and sirens. Subject 1 sped up and drove through alleys and vacant lots in an attempt to get away from the officers. Subject 1 then crashed into a gate in the T-alley of Avers Avenue and Chicago Avenue and everyone in the vehicle got out and fled. As Witness 6 ran he threw the gun in the snow and was apprehended by police officers seconds later.

Subject 1 was interviewed by detectives on 01 Jan 10 and related that he was driving his father's minivan and picked up several friends: Witness 4, Witness 3, Witness 6, Witness 5 and Witness 8. They went and bought a bottle of tequila which they drank in the minivan. At approximately midnight, Subject 1 drove to Thomas Street. Witness 3 had an unloaded semi-automatic gun and got out of the van to rob several individuals of their money. Witness 3 got back in the van and they drove around some more. At some point, Witness 3 gave the gun to Subject 1 and Subject 1 placed the gun in his lap. A brown car drove next to the minivan on the drivers' side and Witness 6 got out of the minivan. Witness 6 and the individuals in the brown car began yelling at each other. Witness 6 then took out a revolver and shot at the brown car, which drove off. Witness 6 got back in the minivan and Subject 1 drove off. Several minutes later Subject 1 observed a police car behind the minivan. Subject 1 looked in the rearview mirror and saw the police vehicle's lights and sirens on. Subject 1 accelerated the minivan in an effort to get away from officers, drove down an alley, across a vacant lot onto Chicago Avenue, then onto Springfield in the wrong direction. The police vehicle stayed behind him the entire time with lights flashing and sirens blaring. Subject 1's minivan hit a patch of ice and he lost control of the vehicle, striking a fence. Subject 1 tried to get away by reversing the minivan into the police car, then jumping out of the minivan, knowing it would strike the officers' vehicle and that it would slow the officers down. Subject 1 observed the minivan strike the officers' vehicle as he fled. Subject 1 held the gun in his right hand in front of him to hide it from the police. He heard the police yell, "Drop, the gun! Drop the gun!" He heard a gunshot, then felt a pain in his back. Subject 1 threw the gun in a vacant lot and kept running but was arrested a short distance away.

The **Chicago Fire Department Ambulance Report** indicates paramedics responded to a call of a gun shot victim at 819 S. Springfield Street and found Subject 1, who had been shot in the back and lower left arm. Subject 1 was able to walk to the ambulance with the assistance of police officers and was taken to Stroger Hospital.

Medical records dated 29 Dec 09, from Stroger Hospital for Subject 1 indicate that he was treated for a gun shot wound to the abdomen and to the left forearm.

The **Tactical Response Reports** from Officers A, B, and C indicate that Officer A fired his gun two (2) times, Officer B fired three (3) times and Officer C fired three (3) times.

POD videos from various locations in the vicinity of the incident were obtained and viewed. The POD's were from 0001- 0130 hours but did not contain any images depicting the incident.

The Office of Emergency Management and Communications (OEMC) Event Query indicates that 3-4 people in a van were wanted for shots fired; the offenders bailed from the van and were running southbound; one of the offenders had a gun; shots were fired by police; and five (5) offenders were in custody.

Evidence Technician Photographs and Crime Scene Videotape depict the crime scene; the minivan and crashed squad car; and three (3) subject(s) guns located at various locations of the crime scene(s).

An **In Car Camera** video for Beat 1113 was obtained, but did not depict the incident. It only depicted Subject 1 running across Chicago Avenue.

A report from the **Illinois State Police, Division of Forensic Services (ISP)**, dated 20 Jan 10 indicated that there were no latent impressions suitable for comparison on the three (3) guns obtained from the incident.

An **ISP** report dated 27 Jan 10 indicated that Officers A, B, and C's guns were examined found to be in firing condition and test fired. A Ruger, .22 long rifle located at 732 N. Avers Avenue and a RG 31, .38 revolver, located at 736 N. Avers Avenue, were examined, found to be in firing condition and test fired.¹⁰ A third weapon, a Kimar model 92, 8 mm caliber, located at 3836 W. Chicago Avenue, was examined and found to be a replica of a semi-automatic pistol. No test shots were conducted; however the gun did appear to function as designed, which is as a firing blank(s) pistol. The report further reflects that of the fired evidence recovered at the scene: one (1) fired cartridge case, retrieved from under hammer in cylinder of the RG 31 revolver, could not be identified or eliminated as having been fired from the RG 31, but was not fired from any of the officer's guns or from the Ruger .22 long rifle; two (2) fired cartridge cases, located on the pavement at 759 N. Avers Avenue, were fired from Officer C's gun; three (3) fired cartridge cases, located on the pavement at 755 N. Avers Avenue, were fired from Officer B's gun; and two (2) fired cartridge cases located on the alley pavement at 3841 W. Chicago Avenue, were fired from Officer A's gun.¹¹

¹⁰ Fired/unfired evidence locations were determined by cross referencing the Crime Scene Processing Report's photographs, markers and inventory numbers with the ISP report dated 27 Jan 10.

¹¹ There appeared to be a typographical error on the ISP report dated 27 Jan 10, for Inventory #11885617. In the item submitted section it lists the cartridges as being *unfired*, however in the findings section it lists the cartridges as being *fired* from Officer A's weapon. It is clear that the two cartridges were correctly listed as being fired as the CPD Crime Scene Processing Report also provides the same Inventory Number and lists the cartridges as expended shells. The two (2) fired cartridges are also consistent with the amount of times that Officer A fired his weapon according to his TRR Report and his recollection of how many times he fired.

INDEPENDENT POLICE REVIEW AUTHORITY
LOG# 1032801/U# 09-56

An **ISP** report dated 29 Jun 10 indicated that the results of a Gun Shot Residue (GSR) Collection Kit administered to Witness 3, Witness 6, Witness 9, Witness 5 and Witness 2 determined that they may not have discharged a firearm with either hand.

An **ISP** report dated 27 Mar 12 indicated that latent lifts recovered from the minivan Subject 1 was driving revealed a latent impression suitable for comparison. Comparison of the latent impression to the fingerprint card marked Subject 1 did not reveal an identification.

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by CPD Sergeant 1 was in compliance with Department policy. According to the Chicago Police Department's General Order No. 02-08-03, III. *Department Policy*:

- 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 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."

Officers A, B, and C were justified in using force likely to cause death or great bodily harm. Subject 1 and the other occupants of the vehicle had already committed a forcible felony when they fired at occupants in another vehicle and were attempting to escape from officers by striking the officers' vehicle with the minivan. Although the officers were unaware at the time who in the minivan had fired a weapon, they observed Subject 1 running while holding a gun and continually pointing the gun at them as he attempted to flee.