

**INDEPENDENT POLICE REVIEW AUTHORITY**

**LOG #1033980/U#10-09**

**INVESTIGATION**

**NUMBER:** Log#1033980/U #10-09

**OFFICERS**

**INVOLVED:** “Officer A” (Chicago Police Officer); Male/Hispanic; 41 years old; On Duty; In Uniform; Year of Appointment – 2000

**WITNESS**

**OFFICERS:** “Officer B” (Chicago Police Officer); Female/Hispanic; 44 years old; On Duty; In Uniform; Year of Appointment – 2005

“Officer C” (Chicago Police Officer); Male/White; 30 years old; On Duty; Civilian Dress; Year of Appointment – 2004

“Officer D” (Chicago Police Officer); Male/White; 31 years old; On Duty; Civilian Dress; Year of Appointment – 2004

**OFFICERS’  
INJURIES:**

None reported

**SUBJECT:**

“Subject 1”; Male/Black; 18 years

**SUBJECT’S  
INJURIES:**

One (1) gunshot wound to the lower right leg. Treated at Holy Cross Hospital. Good Condition.

**INITIAL  
INCIDENT:**

The involved officer and his partner were on routine patrol when they heard a call over the radio regarding a man with a gun. Officers A and B drove to 51<sup>st</sup> and Honore and observed a man running on south Honore holding his right side. The subject ran into a vacant lot and Officer A exited the police vehicle and chased the subject on foot. Officer B exited the vehicle and heard one gunshot. Officer B ran toward her partner and saw Officer A on top of the subject attempting to handcuff him.

**DATE/TIME/**

18 Feb 10, 2054 hours

**LOCATION:**

5151 S. Honore St. (vacant lot) **Beat 932**

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## SUMMARY OF INCIDENT:

**According to CPD Detective 1**, Unit 610, Area One, on 18 February 2010, at approximately 2054 hours, Officers C and D were on routine patrol in their unmarked squad car. Officers C and D were traveling west on 51<sup>st</sup> Street. Officers C and D then drove south on Honore where they saw a large group of subjects standing on the east sidewalk near the middle of the block. The officers then saw one of the subjects, now known as Subject 1, look in their direction. Subject 1 then left the group and quickly walked across the street to the west sidewalk. Officers C and D stopped their vehicle, intending to conduct a field interview with Subject 1. When Officer D opened his door to exit the squad car, Subject 1 began to run. Subject 1 ran north on the west sidewalk and then west through the south alley of 51<sup>st</sup> Street with Officer D chasing him on foot. Subject 1 ran south through the west alley of Honore and then east through the south gangway of 5122 S. Honore. When Subject 1 reached Honore, he ran south along the west sidewalk. As Subject 1 ran southeast across Honore, Officer D exited the south gangway at 5122 S. Honore. During the foot chase, Officer D saw Subject 1 holding his right side. After Officer D exited the gangway at 5122 S. Honore, he saw Subject 1 running southeast across Honore with Beat 951 traveling north on Honore from 52<sup>nd</sup> Street. Officer D radioed Beat 951 and informed them that Subject 1 was holding his side and to be careful. Subject 1 ran east into an empty lot at 5151 S. Honore. Beat 951 stopped and Officer A exited from the front passenger seat. Officer A ran into the empty lot after Subject 1, and ordered him to stop. Subject 1 turned towards Officer A while still holding his right side. Officer A then discharged his firearm one time at Subject 1, striking him on his left lower leg. Subject 1 was then taken into custody. Officer D did not witness the shooting. Officer D's view of where Officer A and Subject 1 were in the empty lot was obstructed by a building.

During the foot chase, Officer C drove the squad car in reverse north on Honore and then west through the south alley of 51<sup>st</sup> St. Officer C exited the squad car after it got stuck on the ice. Officer C first ran east through the south alley of 51<sup>st</sup> St., and ran across Honore to the east alley of Honore. Officer C then ran south through the east alley of Honore in an attempt to cut off Subject 1's escape. Officer C then heard a gunshot.

After Subject 1 was in custody, responding officers walked the route that Subject 1 ran. Officer E found a single action .32 caliber semi-automatic handgun in the entrance of the south gangway of 5132 S. Honore. The firearm's hammer was in the cocked position.

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### INVESTIGATION:

**Officer D related to the Roundtable panel** that he was the passenger in the unmarked squad car driven by Officer C. Officer D stated that as they drove south on Honore from 51<sup>st</sup> St., they saw a male black subject, now known as Subject 1, standing on the street. Subject 1 looked in the officer's direction and quickly walked to the sidewalk on the west side of Honore. When Officers C and D pulled up, Subject 1 began jogging north along the sidewalk. Officer D stated that when he exited the passenger side of the squad car, Subject 1 began to run north on the sidewalk. Officer D chased Subject 1 on foot and called out the foot chase on the radio. Officer D chased Subject 1 north on the sidewalk, then west through the south alley of 51<sup>st</sup> St., and then south through the west alley of Honore. Officer D stated that he lost sight of Subject 1 when Subject 1 ran east through a gangway. Officer D stated that he ran through the same gangway. By the time Officer D exited the gangway and reached the sidewalk on the west, he saw that Subject 1 was several houses south from his location. Officer D stated that he saw Subject 1 running towards an empty lot on the east side of Honore. Officer D also saw a marked Tahoe, now known as Beat 951, driving north on Honore from 52<sup>nd</sup> St. Officer D radioed the officers in the Tahoe and said something to the effect, "Tahoe, he's coming right at you!" Officer D also told the officers that Subject 1 was holding his right side. Officer D stated that he saw Subject 1 run east into the empty lot on the east side of Honore. Officer D then saw the passenger officer of Beat 951, now known as Officer A, exit the Tahoe and chase Subject 1 into an empty lot. Officer D' view of Subject 1 and Officer A was obstructed by a building. Officer D heard Officer A yell, "Stop!" Officer D then heard a single gunshot. Officer D reached the empty lot where he saw Subject 1 lying on the ground with Officer A standing nearby. Officer D asked Officer A if he shot Subject 1. Officer A stated that he believed he did. Officer C radioed for an ambulance and Subject 1 was placed into custody.

**Officer C related to the Roundtable panel** that he was the driver officer of Beat 963D. Officer C stated that after Officer D exited the car, he saw Subject 1 run north on the west sidewalk of Honore. Officer D exited the squad car and chased Subject 1 on foot. Officer C stated that he drove the squad car in reverse north on Honore. Officer C then drove west through the south alley of 51<sup>st</sup> St. Officer C stated that when he reached the west alley of Honore, the squad car became stuck on the ice. Officer C exited the squad car and ran east through the south alley of 51<sup>st</sup> St. When Officer C reached Honore, he saw Subject 1 running southeast across Honore near the middle of the 5100 block of South Honore. Officer C continued to run east to the east alley of Honore, and south through the east alley intending to cut off Subject 1's escape. As Officer C ran south through the east alley of Honore, he heard a gunshot. Officer C radioed dispatch of "shots fired." Officer C continued to run south through the alley and by the time he reached the vacant lot, Subject 1 was in custody. Officer C said he radioed for an ambulance.

**Officer B related to the Roundtable panel** that she was driving the police vehicle and Officer A was the passenger. They were headed north on Wolcott from Garfield Blvd. when they monitored a call from Beat 963D who was involved in a foot

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chase of a man with a gun. Officer B proceeded north to 52<sup>nd</sup> St. and then east to Honore St. While driving north on Honore, she saw Subject 1 run east into an empty lot while holding his right side. Officer B stopped and Officer A exited the vehicle. Moments later, Officer B heard a single gunshot. Officer B ran into the lot and saw Officers A and D handcuffing Subject 1.

**CPD Detective 2 stated that she interviewed the witnesses, Witness 1 and Witness 2.** Witness 1 said he was leaving his home with his twelve-year-old son, Witness 2. As they exited their front door, he saw a male black subject, now known as Subject 1, walking on the east sidewalk of Honore holding his right side. Witness 1 said he believed that Subject 1 may have a gun and told his son to get down. Witness 1's son hid underneath the front porch of their residence. Witness 1 then saw police officers run from the north and south ends of Honore. Subject 1 ran into an empty lot on the east side of Honore. A male uniformed officer ran into the lot and Witness 1 heard, "Stop!" Witness 1 then heard a gunshot. Witness 1 said he did not see the shooting.

**Witness 2** told CPD Detective 2 that he saw a man running with his hands near or in his pockets. His father told him to get down because the man may have a gun. Witness 2 hid underneath the stairs of his front porch. Witness 2 heard a gunshot, but did not see the shooting.

**Subject 1** exercised his right to remain silent and did not make a statement.

Information documented in the **medical record** for Subject 1 indicates that on 18 February 2010, at 2125 hours, Subject 1 was transported to Holy Cross Hospital via ambulance, in police custody. Subject 1 was treated for a through and through gunshot wound to his lower left leg. The bullet entered at the calf area and exited at the antero lateral of the lower leg. The radiology report showed no bullet fragments were present. Subject 1 was ambulatory and on crutches when he was discharged on 19 February 2010.

**CPD Sergeant 1** reported that Officer A suffered chest pains and was being examined at Christ Hospital at the time of the roundtable. CPD Sergeant 1 spoke with Officer A and he related essentially the same account of the incident as Officer B. Additionally, Officer A said he ran after Subject 1 yelling, "Police, stop!" Subject 1 turned toward Officer A with his hand still at his right side. Officer A feared that Subject 1 had a gun and was about to shoot. Officer A fired one shot at Subject 1 and Subject 1 fell to the ground.

CPD Sergeant 1 also spoke to the attending physician, Doctor A, who related that Officer A suffered non-specific chest pains. Officer A was given medication to help calm him down.

**A canvass** of the area of the incident revealed that several people heard gunshots, but no one said they witnessed the actual shooting.

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**The Tactical Response Report** completed by Officer A contained information that Subject 1 “did not follow verbal direction,” “fled,” “was an imminent threat of battery,” “made furtive movements” and that he “faced the officer as if to draw.” A handgun was recovered.

**The Officer’s Battery Report** completed by Officer A contained information that Subject 1 faced him as if to draw a weapon.

**Evidence Technician photographs** depict pictures of the scene, the recovered evidence, Subject 1’s left leg wrapped in gauze, and a weapon lying in the snow.

**A Case Supplementary Report** contained information that on 18 February 2010, at approximately 2054 hours, CPD Detectives 1, 2, and 3 monitored and responded to a call of a foot chase and subsequent police shooting at 5151 S. Honore. Upon arrival at the scene, the detectives observed a male black subject, later identified as Subject 1, at the rear of a vacant lot suffering from a gunshot wound to his left lower leg. An ambulance responded to the scene and transported Subject 1 to Holy Cross Hospital where he was treated and released.

Subject 1 was searched in the lot and a weapon was not found. Assisting officers back tracked Subject 1’s path and recovered a .32 caliber semi-automatic gun in the south gangway at 5132 S. Honore.

The Case Supplementary Report includes interviews of Officer C, Officer D, and Officer B that are consistent with their roundtable account of the incident.

At Area One, the detectives interviewed Subject 1 who initially denied that he was armed and stated that he ran from the police because he had marijuana on him. Subject 1 then related that he got the gun from a Satan Disciple gang member, and he ran with the gun when he saw the police pull up. As he ran, he discarded the gun into a yard and kept running. Subject 1 said he ran into a vacant lot and a police officer yelled for him to stop. Subject 1 then heard a shot and felt pain in his leg as he fell to the ground.

Additionally, the detectives canvassed the immediate vicinity of the incident and spoke to several people. Several people said they heard gunfire, but no one admitted to witnessing the actual shooting.

**The OEMC Event Queries and CD recordings** contained information that on 18 February 2010, at 2054 hours, Beat 963D reported that a male black was running south on Honore at 51<sup>st</sup> Street holding his side. Beat 963D then reported “shots fired” and moments later advised that the offender was in custody.

**The POD** located in the area did not capture the incident.

**Reports from the Illinois State Police (ISP), Division of Forensic Services** contain information that Officer A’s Smith & Wesson 9 mm Luger, semi-automatic gun

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was examined, test fired, and found to be in firing condition. One Winchester 9 mm Luger fired cartridge case was submitted for examination and was found to be fired from Officer A' weapon. There were fourteen unfired cartridges associated with Officer A's gun.

A Savage 32 caliber semiautomatic weapon recovered at the scene was also submitted for testing. This weapon was also found to be in firing condition and contained nine unfired cartridges.

A Gunshot Residue Collection Kit was administered to Subject 1's hands. The results indicated that Subject 1 may not have discharged a firearm with either hand. If he did, the particles were not deposited, were removed by activity, or were not detected by the procedure.

**In a statement at IPRA on 04 December 2012, Officer C** related essentially the same account of the incident as already outlined in his statement to the Roundtable Panel. Additionally, Officer C stated that while he and his partner, Officer D, were on routine patrol in the vicinity of 51<sup>st</sup> and Honore St., a call came over the air about a male black running while holding his side. Officer D exited the police vehicle to pursue the subject while Officer C continued to drive. Officer C's vehicle got stuck in the snow and ice in an alley and he exited the vehicle on foot. Officer C heard a single shot and called in "shots fired" over the radio. Officer C said he did not know who was shot because he did not see anyone at that point, nor could he hear any verbal direction. Officer C arrived at a vacant lot in the vicinity of 52<sup>nd</sup> and Honore and saw an unknown officer placing a male subject in custody who was on the ground with a gunshot wound. Officer C said he did not see a gun. Other police units arrived at the scene and Officer C went to canvass the area for a gun, but did not find one. Other officers found a gun possibly in a gangway near the incident. Officer C said he never drew his weapon during this incident.

**In a statement at IPRA on 04 December 2012, Officer D** related essentially the same version of the incident as already outlined in his statement to the Roundtable Panel. Additionally, Officer D stated that once he exited the police vehicle and chased Subject 1 on foot, he told him numerous times to stop running. Subject 1 continued to run while holding his right side. Officer D said he lost sight of Subject 1 each time he turned a corner. Officer D said he never saw Subject 1 flail his arms as if he was disposing a gun. Officer D said when he saw a marked Tahoe, he radioed that Subject 1 was heading in the direction of the Tahoe. Officer D saw Officers A and B exit their vehicle and Officer A pursued Subject 1 on foot. Officer D heard a shot and ran in the direction of where the shot emanated. As he entered the vacant lot, Officer D saw Subject 1 laying on the ground and Officer A was standing a few feet away from him. Officer D assisted with placing Subject 1 into custody and then went to search for a gun. Officer D said one of his fellow co-workers found a gun nearby.

**In a statement at IPRA on 21 November 2012, Officer B** related that while on routine patrol, she and her partner, Officer A, heard a call over the radio about a subject running possibly with a gun. Officers A and B drove southbound on Honore and the

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subject was running fast northbound on Honore while holding his right side. The subject ran into an empty lot and Officer A “bailed” out of the vehicle and said that he was going after him. Officer B parked the vehicle and exited. She heard Officer A yelling, “stop!” Officer B then heard one gunshot and she ran toward the vacant lot. Officer B saw the subject (Subject 1) laying on the ground in the snow and Officer A on top of Subject 1 handcuffing him. Officer B saw blood on the ground, but did not see the actual gunshot wound to Subject 1. Officer D arrived at the scene immediately and assisted with taking Subject 1 into custody. Officer B said she never had any physical contact with Subject 1. As soon as the higher ranking officers arrived at the scene, they immediately told her to go back to the vehicle and remain. She did not have any conversation with Officer A following the shooting.

**In a statement at IPRA on 14 December 2012, Officer A** related that on the date and time in question, he was on routine patrol with Officer B when they heard a call over the radio of a male subject running, possibly with a gun, holding his side. Officer A saw the subject matching the description given over the radio, later identified as Subject 1, running toward their vehicle in the vicinity of 52<sup>nd</sup> & Honore. Officer B, who was driving the police vehicle, slowed down and Officer A exited and chased Subject 1 on foot. Subject 1 ran into a dark vacant lot and Officer A yelled, “Stop, police, stop!” Subject 1 turned with his hand raised and continued running. From approximately twenty-five feet away, Officer A fired one shot and Subject 1 fell to the ground. Officer A approached Subject 1 as he lay face down on the ground with his arms outstretched and asked, “Where’s the gun?” Subject 1 did not respond. Officer A called for an ambulance and moments later, an unknown officer, possibly a tactical officer, pulled Officer A and said, “Go back to the car, we’ll handle this.”

Officer A further related that he never saw a gun in Subject 1’s possession; however a weapon was later recovered. Officer A explained that he perceived that Subject 1 was armed with a gun and when Subject 1 turned with his hand raised, Officer A feared for his life and his partner’s life.

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### CONCLUSION AND FINDING:

The evidence garnered in this investigation found that the use of deadly force was **JUSTIFIED** and in compliance with Chicago Police Department policy and Illinois State statutes. According to the Chicago Police Department's General Order 02-08-03, III:

- A. "A sworn member is justified in using force likely to cause death or great bodily harm 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 both conditions of the Chicago Police Department's policy regarding the use of deadly force. Officers A, B, C, and D were patrolling a high crime area when Officers C and D saw a large group of men. One of the subjects in the group, Subject 1, looked in the officers' direction and left the group at a fast pace while holding his side. Once Officer D exited the police vehicle, Subject 1 fled on foot. Officers A and B heard the call of the foot pursuit over the radio and joined in the chase. Once Officer A spotted Subject 1, he also pursued him on foot. Subject 1 continued running, ignoring verbal direction to stop, while holding his side. Subject 1 entered a dark, vacant lot and turned with his hand raised. Officer A, perceiving that Subject 1 was in possession of a weapon, and fearing for his and his partner's life, fired one shot, striking Subject 1 in the leg. Although, Subject 1 did not have a gun on his person at the time of the shooting, a gun was recovered along the path that Subject 1 fled.