

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1034913 / U# 10-12

**INVESTIGATION**

**NUMBER:** Log # 1034913 / U# 10-12

**OFFICER**

**INVOLVED:** “Officer A” (Chicago Police Officer); Male/Black; 36 years old;  
Off-Duty; Year of Appointment – 1998

**OFFICER’S**

**INJURIES:** None Reported

**SUBJECT:**

“Subject 1”; Male/Black; 21 years old

**SUBJECT’S**

**INJUIRES:** Gunshot wound to the upper right shoulder area and the left arm

**INITIAL**

**INCIDENT:** Burglary, Off-Duty Officer discharged weapon with possible hits.

**DATE/TIME:**

26 March 2010 @0903 hours

**LOCATION:**

XXXX S. Vernon Avenue, Chicago, IL 60624, Beat 624

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**SUMMARY OF INCIDENT:**

On 26 March 2010, at approximately 0903 hours, Off-Duty Police Officer A was alone in the basement of his sister's residence when he heard a loud banging noise coming from the first floor of the residence. Officer A walked up the stairs from the basement with his firearm drawn. When Officer A reached the main floor of the residence he observed three black males, later identified by Officer A as Subject 1, Subject 2 and Subject 3, in the kitchen area. Subject 1 made threatening movements toward Officer A and in fear for his safety, Officer A fired four times at Subject 1. Subject 2, Subject 3 and Subject 1 fled out of the rear door of the residence and jumped over a fence. Officer A did not know if he struck anyone. Officer A made notifications to OEMC on his mobile telephone. A short time later Subject 1 went to St. Bernard Hospital with two gunshot wounds.

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**INVESTIGATION:**

On 26 March 2010, a **Roundtable Panel** was conducted at Area Two Police Headquarters. Officer A provided a description of the events to the Roundtable Panel. Officer A stated that due to having plumbing work done in his residence he had gone to his sister's residence to shower. He was in the basement of the residence when he heard a loud sound on the first floor. Officer A walked up the stairs with his weapon drawn. Officer A reached the top of the stairs and observed three black males, Subject 1, Subject 2 and Subject 3 standing in the kitchen. Officer A yelled, "Stop police!" Subject 1 had his left hand in his jacket pocket and pointed outward as if he had a gun pointed toward Officer A. Officer A, in fear for his safety, fired one round at Subject 1, who began to move backwards knocking over a glass tabletop. Subject 1 continued to have his hand in his pocket and pointed toward Officer A as he moved toward Officer A. Officer A, still in fear for his safety, fired three more rounds at Subject 1. Subject 1, Subject 2 and Subject 3 fled out the rear door of the residence. Officer A looked outside and observed all three males jump over a fence and flee the area. Officer A then called 911. Officer A provided the operator with a description of Subject 1, Subject 2 and Subject 3. Officer A did not know if he struck any of the three males. Officer A stated that he did not see a weapon, but because of Subject 1's furtive movements, placement of his hands in his pockets, and the low light in the area, he believed that Subject 1 may have had weapon.

**Assistant Deputy Superintendent A** informed IPRA personnel that officers located a possible suspect, Subject 1, who went to St. Bernard Hospital for treatment of gunshot wounds to the arm and back. Subject 1 claimed that he sustained his injuries as a result of being robbed in the area of 71<sup>st</sup> and Halsted earlier in the day. Detectives canvassed the area, but found no witnesses. The detectives also checked OEMC for calls of shots fired in the area of 71<sup>st</sup> and Halsted with negative results. Subject 1 was transported to Stroger Hospital, where he was treated and released into the custody of the Chicago Police Department for questioning. Detectives also located Subject 2 and Subject 3 and questioned them. All three denied being in XXXX S. Vernon Avenue.

**Department Reports, including the Original Case Incident Report, Arrest Report, Tactical Response Report and the Officers' Battery Report** document

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accounts of the incident that are consistent with the Summary of Incident Report and Officer A's statement.

The **Case Supplementary Report** includes a canvass conducted by detectives. Several people in the area observed a black male running while removing a white hooded jacket; and two other black males wearing white t-shirts and dark pants running from the vicinity of XXXX S. Vernon Avenue.

Records from **OEMC** document that Officer A identified himself as a Chicago Police Officer and that he was in the residence of his sister, also a Chicago Police Officer. Officer A reported that three black males broke into the residence. Officer A provided the operator with a description and location of flight of the offenders and a description and location of the burglary tools left behind at the scene. Officer A stated that he fired his weapon, but he was not sure if he struck any of the offenders.

**Crime Scene Processing Reports** documents that Officer A's weapon was swabbed and inventoried at the scene.

**Medical records** obtained from **St. Bernard Hospital** document that Subject 1 arrived with a gunshot wound to the right upper back and left upper arm. A dressing was applied and he was transferred to Stroger Hospital.

**Medical Records** obtained from **Stroger Hospital** document that Subject 1 arrived with a gunshot to the upper right back and left upper left arm. Subject 1 also told the hospital staff that he was running away from someone in an alley when he was shot. No bullets or fragments were recovered from Subject 1's wounds.

Reports from the **Illinois State Police Division of Forensic Services** document that Officer A's weapon was found to be in good firing condition. Recovered bullets from the scene were tested and found to have been fired from Officer A's weapon.

In a **statement to IPRA**, **Subject 1** denied that he was in the area of XXXX S. Vernon Avenue on 26 March 2010, at approximately 0900 hours. Subject 1 denied entering any residence in the area or committing a robbery. Subject 1 denied hearing gunshots in the area. Subject 1 stated that he was alone in the 7600 block of Halsted Street and Green Street when two black males shot him. Subject 1 stated that "Antonio"

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transported him to St. Bernard Hospital. Officers arrived at the hospital and Subject 1 was treated and transported to Stroger Hospital.

In a statement to IPRA, Subject 3 stated that he never entered a residence at XXXX S. Vernon Avenue on 26 March 2010. Subject 3 also denied being in a house in which someone shot at him. Subject 3 stated that he found out about the burglary of XXXX S. Vernon Avenue just before the IPRA interview. He thought a police officer had been shot. He again stated that he was not involved in any burglary or home invasion.

In a statement to IPRA, Subject 2 stated that he was not in the area of XXXX S. Vernon Avenue and had no knowledge of a shooting or a burglary. Subject 2 denied knowing Subject 1 or Subject 3.

In a statement to IPRA, Officer A provided the same information as he stated to the Roundtable Panel.

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**CONCLUSION and FINDING:**

This investigation found that the use of deadly force by Officer A was in compliance with Department policy.

According to the Chicago Police Department's General Order No.02-08-03; III:

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 believes that he person to be arrested:
  - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm:
  - 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 arrest without delay.

While in the basement of his sister's residence, Officer A heard loud noises coming from the upstairs of the residence. When Officer A walked up the stairs from the basement, he encountered Subject 1, Subject 3 and Subject 2 in the kitchen area after breaking into the residence. After Officer A, who was holding his firearm, identified himself, Subject 1 made threatening movements towards Officer A. Officer A, in fear for his safety, fired at Subject 1. Subject 1, Subject 3 and Subject 2 fled out of the rear door of the residence and jumped over a back fence. Officer A then contacted 911 and provided a description of the suspects. A short time later, the Chicago Police located Subject 2, Subject 3 and Subject 1, who arrived at St. Bernard Hospital with gunshot wounds to the arm and back.

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In their interviews with IPRA, Subject 1, Subject 3 and Subject 2 failed to cooperate, denying that they were at XXXX S. Vernon Avenue or were shot at by Officer A. Subject 1 claimed he was shot by two black males in the street.

Officer A reasonably believed that deadly force was necessary to prevent death or great bodily harm to himself and therefore, fired his weapon at Subject 1.