

INDEPENDENT POLICE REVIEW AUTHORITY
Log #1035116/U #10-15

INVESTIGATION

NUMBER: Log# 1035116/U#10-15

OFFICER

INVOLVED #1: “Officer A” (Chicago Police Officer); Male/White; 30 years old;
On Duty; In Uniform; Year of Appointment – 2002

#2: “Officer A” (Chicago Police Officer); Female/Wite; 39 years old;
On Duty; In Uniform; Year of Appointment – 2001

OFFICER’S

INJURIES: #1 None reported

#2 None reported

SUBJECT: “Subject 1”; Male/Black; 25 years old

SUBJECT’S

INJURY: Two gunshot wounds: one to the left chest and one to the right rear flank –
fatal. Subject pronounced dead on scene at 2350 hours.

DATE/TIME

OF INCIDENT: 02 APR 10, 2300 hours.

LOCATION: 617 N. Homan Avenue – in the alley.

SUMMARY OF INCIDENT:

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On 02 APR 10, at approximately 2300 hours, two marked vehicles of the Mobile Strike Force¹ were on routine patrol. Officer C, Officer D and Officer E, were in the lead vehicle (Beat 4420C) while Officer A, and Officer B, were in the following vehicle (Beat 4420D). The vehicles were traveling south on Homan Avenue and observed a large street party at the intersection of Homan Avenue and Ohio Street. The officers turned east on Ohio Street and the crowd began to disburse by heading to the sidewalks on either side of the street. A black male subject came to the attention of the officers as he started to move away from them and the others individuals near him.² Subject 1 walked east on the south sidewalk and then crossed to the north side of Ohio Street. As he walked in front of Beat 4420C, Subject 1 pulled a gun from his waistband, ran east on the north sidewalk, and turned north on Christiana Street. Officer C notified Officer A and B via the car-to-car radio that he observed Subject 1 with a gun. Beat 4420C followed Subject 1 while Beat 4420D, being driven by Officer A, turned north into the alley between Homan Avenue and Christiana Street. Officer A turned into the alley to cut off Subject 1s' path of flight should be run into the alley.

At the approximate location of 608 N. Christiana, Officer A and B heard Officer C announce over the radio that Subject 1 was running towards them via a gangway. Officer A subsequently stopped the squad car, exited with Officer B, and started walking north as they searched for Subject 1. They then observed Subject 1 run out of the gangway between 612 and 614 N. Christiana; he ran into the alley heading north. Officer A and B chased Subject 1 while Officer A yelled for him to drop the gun he was holding in his hand. Subject 1, however, turned to his left and pointed the gun he was holding in his right hand at Officer A. Officer A stopped running, drew his gun, and pointed it at Subject 1 firing it one time. Subject 1 staggered, threw his weapon into the rear yard of 621 N. Homan, and fell to the ground behind the garage of the same address. Subject 1's gun was recovered along with a .45 caliber shell casing. He was pronounced dead at the scene at 2350 hours.

INVESTIGATION:

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1. The Mobile Strike Force, Unit 153, had since been disbanded since the date of this Officer Involved Shooting.
 2. This individual was subsequently identified as involved subject, Subject 1.

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On 03 APR 10, at 0420 a Roundtable Panel was conducted regarding an Officer Involved Shooting. Officer A and B, and a responding CPD Detective 1, appeared.

Witness Police Officer B, related that she and Officer A were traveling south on Homan Avenue, following Officers C, D, and E. She observed a large crowd that had gathered mostly on the north side of Ohio Street. The officers turned onto Ohio Street, and observed Subject 1 separate himself from the crowd and move to the south side of the street. Once Subject 1 reached the alley between Ohio Street and Homan Avenue, he tried to create more distance between himself and the officers. As the other officers moved closer to Subject 1, he moved into the street. Officer E then opened the front passenger door of the squad car in which he was riding in order to exit and speak with Subject 1. At that time, Subject 1 made a motion with his right hand and removed an unidentified object from his waist band. Officer C stated "Gun, gun, gun," via the car-to-car radio but Officer B did not actually see what Subject 1 was holding. Officer B noted that Subject 1 was wearing a red jacket, red shirt, and red hat, and his clothing was distinctive.

Subject 1 then ran east towards Christiana, and Officer A drove the squad car north into the alley between that street and Homan Avenue in order to cut off his path of flight. Officer C then announced over the radio words to the effect of "he's coming towards you." Officer A stopped the squad car, and he and Officer B exited. They momentarily paused to determine where Subject 1 was going to run into the alley. As Subject 1 ran out of a gangway and into the alley, Officer B clearly observed that he was holding a gun in his hand. Officer A yelled for Subject 1 to drop the gun he was holding but Subject 1 ran north in the Alley. Officer A pursued Subject 1 and Officer B, who was initially standing behind and off to Officer A's right side, followed those two individuals. At that time, Subject 1 turned to his left, toward Officer A, and pointed a gun at him over his shoulder. Officer B, who believed that Subject 1 was going to shoot Officer A, then heard a single gun shot coming from Officer A's direction. Subject 1 stumbled, as if he appeared to be shot, continued a few steps forward, and threw the gun he was holding over his head into a neighboring yard; he took a few more steps and fell to the ground. Upon inquiry, Officer B stated that she did not observe Officer A discharge his firearm.

Involved Police Officer A, related that he was driving south on Homan Avenue following officers in another police vehicle. He observed a large crowd that had gathered on Ohio Street, between Homan Avenue and Christiana Street. He and the squad car in front of him turned east on Ohio Street in order to observe the crowd and while doing so, observed Subject 1 walk away from pack. The squad car in front of Officer A pulled next to Subject 1 and one of the officers opened that vehicle's door. Subject 1 then pulled an object out of his waistband but Officer A could not see what it was. Subject 1 then ran to the north side of Ohio Street, east towards Christiana, and then back north. Officer A then heard Officer C call "Gun, gun, gun" over the car-to-car radio. Beat 4420C followed Subject 1 while Officer A turned into the alley between Homan Avenue and Christiana Street in order to cut off his path of flight should he flee in their direction. Officer C then announced that Subject 1 was heading into the alley via the car to car radio.

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Officer A and B then exited their squad car and observed Subject 1 run into the alley. Subject 1 ran behind a parked vehicle but when he reemerged, Officer A observed him holding a black gun in his right hand. Officer A yelled for Subject 1 to drop the gun but he refused to do so. He chased Subject 1 north in the alley but Subject 1 turned and pointed the gun he was holding at Officer A over his left shoulder. Fearing that Subject 1 was going to shoot him and/or Officer B, Officer A drew his gun and fired it one time. Subject 1 then lost his balance, took a few steps, and threw the gun he was holding into a yard. After taking a couple more steps, Subject 1 fell to the ground and Officers Ramirez and Enriquez handcuffed him.

CPD Detective 1, related that a Luger 9mm Handgun containing three live shells in the magazine and one in the chamber was recovered; the serial number of this weapon, however, had been defaced. Subject 1 sustained wounds to the left chest and right, rear flank, which appeared to be through-and-through; it was not known which was the entry and which was the exit wound.

In her statement to the IPRA on 04 APR 10, the witness, **Witness 1**, who was identified during a canvass, stated that on 02 APR 10, she was standing on the corner of Ohio and Christiana Streets. She observed a marked squad car chasing several males down Ohio Street turn north on to Christiana Street. One of the individuals being chased, known to Witness 1 as “[Nickname],” ran into a gangway and an officer fired at him while sitting in the driver’s side of the vehicle; the officer who fired the shot did not exit the squad car after doing so. Witness 1 could not provide a description of this officer or the male subjects that the officers were chasing.

In her statement to the IPRA on 05 APR 10, the witness, **Witness 2**, who was identified via OEMC event queries, stated that on 02 APR 10, at approximately 2300 hours, a large group of individuals had congregated on Ohio Street, between Homan Avenue and Christiana Street. She observed two squad cars drive east on the same street. One of the two white female officers in the first vehicle made an inaudible comment to a person she knew as “[Nickname].” “[Nickname],” however, responded by stating words to the effect of, “I’m not going no where.” He then quickly walked across the street, past the first squad car, and then ran north on Christiana Street. The squad in which the two female white officers were riding followed “[Nickname],” while the second squad car containing two white male, uniformed officers turn north into the alley between Homan Avenue and Christiana Street. Upon observing this, Witness 2 proceeded west on Ohio Street, towards the aforementioned alley, believing that “[Nickname]” would run across a yard and emerge in the alley. As she was walking towards the alley, Witness 2 heard a single gunshot approximately two to three seconds after “[Nickname]” ran north on Christiana Street. Once she reached the alley, Witness 2 observed two squad cars, one facing north and the other facing south, in the alley; two white male and white female officers were also standing at that location. Witness 2 continued walking west past the alley but returned to the mouth of the same alley approximately ten seconds later. At that time, she observed the aforementioned officers standing around the body of a black male subject who was wearing a red jacket and red hat. Several moments later additional squad cars and an ambulance arrived on the scene. Upon inquiry, Witness 2 stated that she did not observe “[Nickname]” with a gun on the date of this incident.

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In a **follow-up interview** conducted on 11 AUG 10, Witness 2 stated that on the date of this incident, at approximately 2300 hours, there was a party on the corner of Christiana and Ohio Streets. An unidentified female police officer came to the area, parked the squad car she was driving on the same corner, and told all underage individuals to go inside. The same officer then drove her squad car to the alley between Christiana Street and Homan Avenue, exited, and approached Witness 2 as she was sitting in front of her apartment building. The same unidentified female officer then repeated her command for all underage individuals to go inside and added that if she had to return to the area, she would be accompanied by a squadrol. Once the unidentified female officer left the scene, the crowd returned to the intersection of Christiana and Ohio Streets. Upon inquiry, Witness 2 indicated that prior to the arrival of the police, there was no fighting or other unusual activity that would require a police response.

Approximately five to ten minutes later, the same unidentified female officer returned and was accompanied by a second squad car. The first squad car pulled directly in front of Witness 2 and one of the two female officers in the vehicle began talking to “[Nickname].” A moment later, “[Nickname],” who was standing with several other unidentified individuals said, “[He] ain’t going” and ran north on Christiana Street. Witness 2 identified “[Nickname]” as Subject 1 and indicated that she has known him for about six months prior to this incident from him “hanging around” her neighborhood; she added that she is not of any blood relation to him.

As Subject 1 ran north on Christiana Street, the first squad car followed him while the second squad car drove into the alley in between Christiana Street and Homan Avenue. Witness 2 ran west on the sidewalk in front of her building towards the alley separating Christiana Street and Homan Avenue. Before reaching the alley, however, Witness 2 heard a single gunshot originating from the back of her building. Upon inquiry, Witness 2 stated that she ran towards alley because she knew Subject 1 was going to cut through a vacant lot on the west side of Christiana Street and enter the same alley as he was running from the police. She indicated that her knowledge of Subject 1’s actions while fleeing from the police was based on her own familiarity of vacant lots in the neighborhood as well as past instances of individuals attempting to elude capture by the police while on foot. She did not know if any of the police officers exited from the squad cars and chased Subject 1 north on Christiana on foot.

Once reaching the alley, Witness 2 looked north but did not see Subject 1. She then reasoned that Subject 1 had cut through another gangway located on the west side of the alley. Witness 2 then walked across the entrance of the alley towards Homan Avenue but when she was about half way between the alley and Homan Avenue, she turned around and walked back east to the alley. She looked into the alley and observed three unidentified police officers standing with their backs to her. Due to the fact that a white male officer was kicking on a wooden fence, Witness 2 believed that the police were still chasing Subject 1. She subsequently moved to the east side of the alley and observed Subject 1’s feet, which were not moving, as he was lying on the ground. An officer then positioned himself at the front of the alley and instructed Witness 2 not to enter. Shortly thereafter, several police cars arrived on the scene and the officers began securing the area. At that time, Witness 2 concluded that Subject 1 had been shot by the police.

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Witness 2 indicated that she did not observe Subject 1 with a gun prior to, or during this incident. She stated that she spoke to Subject 1 just prior to the incident and he did not appear to be acting in an unusual or suspicious manner. Witness 2 added that it did not seem obvious to her that Subject 1 had a weapon in his possession prior to being shot by the police. Upon inquiry, Witness 2 indicated that she did not know who fired the shot she heard. Additionally, she did not know the names of the individuals who were standing with Subject 1 before he fled from the police.

In his statement to the IPRA on 05 AUG 10, the Witness 3, who was identified during a canvass of the area, stated that on 02 APR 10, at 2304 hours, he was looking out a south facing second floor window at 3XXX W. Ohio. He observed a large gathering on the corner of Ohio and Christiana Streets. An unidentified male subject was walking west on Ohio Street when a marked squad car pulled beside him. The same individual turned into the alley between the two aforementioned streets and ran north. Witness 3 then relocated to a north facing window and observed that previously mentioned unidentified subject being chased by two white, uniformed officers. When the officers came within eight to ten feet of the unidentified male subject, Witness 3 heard a single gunshot and the unidentified male subject fell forward, just behind a pole. Witness 3 stated that the unidentified male subject was approximately 20 years old, and wearing a red top and possibly a pair of jeans.

In a **follow-up interview** conducted on 12 AUG 10, Witness 3 stated that on the date of this incident, he was in his second floor apartment located at 3XXX W. Ohio Street.³ He was looking out the front window of the unit, which was located on the west end of the building and observed an unidentified individual walking west, towards Homan Avenue, on the north sidewalk of Ohio Street. A marked squad car then arrived and moved towards the curb in front of Witness 3's building. At that time, an unidentified individual standing near the alley fled northbound on foot into the alley between Christiana Street and Homan Avenue. Upon inquiry, Witness 3 indicated that he did not know why the unidentified individual ran from the police. Additionally, he did not know if the police made any comment or gave any commands to the individual that fled into the alley.

Upon observing the unidentified subject flee into the alley, Witness 3 went into his apartment's kitchen area, which was located at the back of the unit. He subsequently looked out the back window and observed two uniformed officers ten to eleven feet behind the unidentified subject heading north in the alley. Witness 3 then heard a single gunshot and observed the unidentified subject, who was wearing a red shirt, immediately fall to the ground. Upon inquiry, Witness 3 stated that the officers were approximately 10 feet behind the unidentified subject when he heard the gunshot. He did not know which person fired the gun but indicated that one of the officers chasing the unidentified subject was the party who did so.

Witness 3 stated that he did not observe the unidentified subject point a weapon at the police nor was the same individual armed. He stated that the unidentified subject, "...didn't have nothing. He was just running." Witness 3 reiterated that the unidentified subject did not have any object in his

3. Witness 3 was no longer living at 3XXX W. Ohio Street on the date of his supplemental interview.

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hands when he heard the gunshot and the same individual had his back to the police when he fell to the ground. Additionally, he indicated that the unidentified subject did not turn around and face the police as that individual subject was in a “running position.” Furthermore, Witness 3 indicated that he did not witness the unidentified individual reach for his waistband or point his hands toward the police. Witness 3 did not know if the police had their weapons out while chasing the unidentified subject, did not observe the unidentified subject throw or discharge any object while being chased by the police, and did not hear the police give any verbal commands to the unidentified subject while he was running.

After the unidentified subject fell to the ground, one of the officers began kicking at a wooden fence/gate in the alley. Witness 3 then stepped out on to the back porch and yelled, “Why did you shot that boy” to the police. He then returned to his apartment a short time later.

Multiple canvasses of the area of this incident did not identify any additional witnesses than those previously noted.

A **Case Report**, Recorded, reflects that Subject 1 fled from Officers A and B who were attempting to arrest him on a weapon offense. As the aforementioned officers pursued him, Subject 1 turned and pointed a handgun at them. Officer A, believing that Subject 1 was going to shoot him, subsequently fired his handgun one time at Subject 1 in defense of his own life. Subject 1 was struck in the torso and fell to the ground; he was later pronounced dead at the scene.⁴

The **Detective Supplementary Report** reflects that all of the previously mentioned involved and witness officers, as well as Witness 2 and Witness 3 were interviewed by detectives as part of the preliminary investigation. All of the aforementioned officers provided essentially the same account of the incident as Officer A and B did at the Roundtable. Witness 2 provided essentially the same account of the incident to the detectives as she did in her interviews taken by IPRA investigators. Although Witness 3 also provided essentially the same account of the incident to the detective as he did to IPRA Investigators, he indicated that he observed two uniformed officers pursue a black male subject into the alley on foot.

A **Tactical Response Report** notes that Officer A fired his weapon one time fatally wounding Subject 1 after Subject 1 pointed a weapon at him placing him in fear of his life and that of his partner.

No **In-Car Camera video** from vehicle #4420D was found.

OEMC Event Queries note “Shots fired by police,” at 2305 hours, in the alley of the 600 block of north Homan Avenue. No information of the events leading up to this Officer Involved Shooting was contained within these records. Numerous calls to 911 were made after the shooting but none of them were related to the actual incident. An OEMC disk of the aforementioned telephone reflects at 2309 hours, a caller to 911, who only gave his name as “[Name Withheld],”

4. A second Case Report, recorded /Aggravated Assault/Justifiable Homicide was completed but it did not contain any details of the Officer Involved Shooting. (Refer to attachment #32).

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reported that the police just shot his uncle.⁵

Evidence Technician Photographs depict the location of where Subject 1 fell to the ground, the location the firearm he was holding and threw over a fence, and the location of where the shell casing from Officer A's weapon landed. The same photographs depict Subject 1 wearing a red shirt, red jacket, and red shoes; a red baseball type hat was lying near him.

A report from the **Illinois State Police, Division of Forensic Services**, dated 20 APR 10, indicated that an Illinois State Police Gunshot Residue Collection Kit administered to Subject 1 did not detect the presence of gunshot residue on either of his hands.

A report from the **Illinois State Police, Division of Forensic Services**, dated 11 MAY 10, indicated that Officer A's gun was examined and found to be in firing condition. The same report noted that a Speer 45 Auto +P caliber fired cartridge case was fired by Officer A's weapon.⁶

A report from the **Illinois State Police, Division of Forensic Services**, dated 04 AUG 10, indicated that no latent impression suitable for comparison, from the gun Subject 1 was holding, were obtained.⁷

A report from the **Illinois State Police, Division of Forensic Services**, dated 27 AUG 10, indicated that the handgun Subject 1 was holding, A Hi-Point Firearms, model C9, 9mm was examined and found to be in firing condition. Further examination revealed an obliterated area on the metal insert in the frame. Restoration techniques revealed the characters as "P1310010."

A report from the **Bureau from Alcohol, Tobacco, Firearms, and Explosives** notes that the gun Subject 1 was holding was originally purchased in Greenville, Kentucky, in March, 2007. A NCIC response notes the same gun was reported stolen in October, 2008, by the Hopkins County Sheriff's Office⁸.

The **Report of Postmortem Examination from Cook County Medical Examiner's Office** indicates that there was an entrance gunshot wound on Subject 1's right flank and an exit gun shot wound on the left upper chest. The same reports notes that there was no evidence of close range firing on the skin around the entrance gunshot wound. The manner of death was Homicide⁹.

5. The R/I called the telephone number from which "[Name Withheld]" contacted 911. The person with whom the R/I spoke indicated that she did not know "[Name Withheld]" but only allowed him to use her cellular telephone to call 911. The R/I also spoke with Subject 1's mother, regarding "[Name Withheld]." She did not, however, have any knowledge of his identity. (Refer to attachment #48)

6. The fired cartridges from Officer A's weapon were depicted by evidence marker one in the evidence technician photographs and was recovered from in alley between Homan Avenue and Christiana Street.

7. The same report notes that no fingerprints were recovered from the gun's magazine or bullets found within the weapon.

8. The Hopkins County Sheriff's Office is located in Madisonville, Kentucky.

9. An IPRA investigator attended the Postmortem Examination of Subject 1 conducted on 03 APR 10. The report of the attending investigator notes that the pathologist conducting the examination recovered a large caliber bullet from the

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In his statement to IPRA on 26 APR 11, **Officer E**, stated that on 02 APR 11, at approximately 2300 hours, he was on-duty, wearing a uniform, assigned to Unit 153. He was working from 1700 to 0330 hours, Beat 4420A, with Officers C and D, in a marked vehicle; Officer C was the driver of the squad car. Officer E indicated that Officers A and B, also dressed in standard police uniforms, were in a separate marked squad car. Upon inquiry, Officer E did not recall any unusual events occurring while he was on patrol prior to this incident.

Officer E stated related that on the date and time of this incident, he, Officers C and D were in the vicinity of the 600 N. Homan. They were heading eastbound on Ohio Street while Officer A and B followed them. He observed a black male subject standing on the south side of Ohio Street who was hiding himself between a parked van and the squad car in which he and his partners were riding. Officer E then opened his door in order conduct a field interview but the black male subject fled northbound on foot into the east alley of Homan Avenue. While the aforementioned black male was running, he drew a handgun from his waistband. Officer E did not recall if he made a comment to the offender before he fled but he did yell “gun” upon observing the offender removing a weapon.

Once Officer E returned to the squad car, Officer C drove northbound on Christiana Street while Officer A drove northbound into the alley between that street and Homan Avenue. Approximately halfway down the 600 block of north Christiana Street, Officer D exited the squad car and ran into the alley, via a gangway, as Officer A and B were pursuing the offender with their squad car. Officer E, however, lost site of the offender and then heard a gunshot coming from the direction of the alley. Officer C then traveled northbound and entered the alley in which the offender had fled. Upon arriving at that location, Officer E observed the offender face down on the ground, handcuffed, and Officer A looking over the gates of the rear yards aligning the alley. Officer E stated that when he arrived in the alley, he asked Officer A what happened. Officer A responded by stating that the offender was holding a weapon and he subsequently shot the offender. The offender then took a couple steps and threw the gun into a nearby yard. Officer E indicated that the gun was located in a yard directly west of the alley, and believed that Officer B requested for an ambulance. Upon inquiry, Officer E stated that he did not witness Officer A shoot the offender nor did he see any interaction between Officer A and the same individual prior to Officer A shooting him.

In his statement to IPRA on 27 APR 11, **Officer C** stated that on the date of the incident, he was on-duty in uniform, assigned to Unit 153, working from 1700 to 0330 hours. He was working Beat 4420C, with Officers D and E, driving a marked vehicle. Officer C stated that Officers A and B were working Beat 4420D but were in a separate marked squad car.

Officer C stated at 2300 hours on 02 APR10, he observed a large crowd of people on Homan

body bag holding Subject 1’s corpse. An entrance wound was noted on the right, lower back area and corresponding exit wound was noted on the left nipple. The cause of death was noted as a through and through gun shot wound and the manner was classified as a homicide.

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Avenue; some of those individuals were moving north towards Huron Street while others were moving east towards Christiana Street. When the two squad cars approached, a majority of the group moved to the north sidewalk of Ohio Street while the other individuals moved to the south side of the sidewalk. An individual in a red jacket, however, separated himself from either group; the aforementioned subject “hid” one hand and was “attempting to not be seen” by the officers. Officer E then attempted to exit the squad car and conduct a field interview of the subject wearing the red jacket. That individual, however, removed a black pistol from his waistband and ran northbound on Christiana Street. The officers pursued the subject in their squad car while Officers A and B, who were originally following behind Officer C’s vehicle, turned north into the alley between Christiana Street and Homan Avenue. Upon inquiry, Officer C did not recall if Officer E immediately announced that the subject wearing the red jacket was in possession of a gun. He did, however, call over his radio that the same subject was armed.

Officer C stated that the subject in the red jacket ran north on Christiana Street before turning into a gangway and heading towards the alley. Officer D then exited the squad car and pursued the offender on foot. Officer C then called via his radio that the offender was headed into the alley, towards Officer A and B. He continued driving north towards Huron Street and just after Officer D exited the vehicle, heard a gun shot. Officer C made his way into the alley between Christiana Street and Homan Avenue and observed the offender lying on the ground and handcuffed upon exiting from the squad car. Upon inquiry, Officer C stated that he heard a request made by an unidentified officer for an ambulance over the radio prior to entering the alley. He added that he did not observe the offender point a weapon at Officer A nor did he observe Officer A fire his weapon as he was not present when that occurred. Officer C stated that Officer A told him that he fired at the offender after the same subject had pointed his pistol at him.

In his statement to IPRA on 27 MAY 11, the Witness, **Officer D**, stated on 02 APR 10, he was assigned to Unit 153, third watch, with Officers C and E as partners, in a marked vehicle. Officer A and B were also assigned as his partners but were in a separate marked unit; all officers were assigned to patrol “hotspots” within the 011th District. As he and the aforementioned officers were on patrol, they observed a large crowd had gathered on Ohio Street, between Homan Avenue and Christiana Street. The officers approached the crowd consisting of 20-30 people; some of the individuals were standing in the street while others were on the sidewalk. The aforementioned crowd, however, began to disburse when they observed the two squad cars approach the scene. Upon inquiry, Officer D stated that when he and his partners first observed the aforementioned crowd, they did not immediately observe any illegal activity.

As the officers approached the previously mentioned crowd, they observed an individual, dressed in red, separate himself from a larger group that was moving out of the street. They subsequently approached the aforementioned subject for a field interview and when Officer C brought the vehicle to a stop, Officer D started to exit from the rear seat. As Officer D started to exit, he observed the subject dressed in red remove a handgun from waist area. Then same subject then fled north on Christiana Street and Officer D announced that the subject dressed in red was in possession of a weapon. Upon inquiry, Officer D indicated that he immediately recognized the

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object the subject removed from his clothing as a handgun. He did not recall, however, if the subject removed it from his waistband or jacket. He added that at that time, Officer A and B were behind him, still in their vehicle.

Officer D then got back into his car and the three officers gave chase as the same subject ran north on Christiana Street, along the west side of the street. The subject fled into gangway between 612 and 614 N. Christiana Street, and Officer D exited the squad car and pursued that individual on foot; Officer C subsequently continued driving north with Officer E still in the vehicle. Officer D ran into the same gangway and then observed the subject dressed in red run into the alley and turn north. Before Officer D was able to make his way into the alley, Officer A, also pursuing the same subject, bypassed him. He then heard a single gunshot and when he, Officer D, entered the alley, observed the subject he was chasing lying on the ground. Upon inquiry, Officer D stated that when Officer A ran past him, Officer A was holding his gun in his hand. He added that he heard Officer A instruct the aforementioned subject to drop his weapon and then heard the single gun shot. Officer D indicated that due to his vantage point at the time, he did not observe who fired at whom.

Once he entered the alley, Officer D handcuffed the subject while Officer A called for an ambulance via his radio. Officer D remained by the subject and Officers C and E entered the same alley from the north. Officer A then told Officer D that he had shot the subject and the subject threw weapon into a backyard; one of the officers on the scene located a gun in a backyard of one of the houses adjacent to the alley. Officer D later went to Area Four but did not participate in the round table.

In her statement to IPRA on 12 APR 11, Witness Officer B, stated that on 02 APR 10, she was working Beat 4420D with Officer A, who had been her regular partner for approximately the previous 18 months. She was assigned to a marked squad car, wearing a uniform, patrolling the 011th District. She was also working with Beat 4420C, which comprised of Officers C, D, and E.

On the aforementioned date, at 2300 hours, she and Officer A were following Beat 4420C. As they traveled south on Homan Avenue, they noticed a large group of people and Officer C, who was driving the other squad car, turned east on to Ohio Street. Officer A, who was driving Beat 4420D, followed 4420C. Officer B then observed an individual wearing a red hat and red jacket separate himself from the crowd and the approaching squad cars. Officer C continued moving the squad car closer to the subject wearing the red and jacket, but that individual kept trying to create distance between himself and the police vehicle. As the squad car stopped, Officer E opened the front passenger door in order to conduct a field interview of the subject wearing the red hat and red jacket. Before Officer E was able to completely exit the squad car, however, the same individual pulled an unidentified object from his waistband and starting running northeast towards Christiana Street. Upon inquiry, Officer B stated that she could not immediately identify the object the subject wearing the red hat and jacket pulled from his waist band.

Officer E returned to the squad car and Officer C started following the subject wearing the

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red hat and jacket north on Christiana; simultaneously, Officer E called “Gun! Gun! Gun!”¹⁰ over the car-to-car radio while Officer A drove the squad car north into the alley between Christiana Street and Homan Avenue. Officer B then lost sight of the other squad and when she and Officer A reached the second or third yard from the south end of the alley, Officer C informed her and her partner, via radio communication, that Subject 1 was heading in their direction. Officer A stopped the squad car, and he and Officer B exited the vehicle. They walked through the alley in an attempt to judge from where the individual wearing the red hat and red jacket might enter the alley. As the aforementioned individual ran into the alley, Officer B observed him holding a black gun in his right hand. At that time, Officer A yelled for the same subject to drop his weapon but he refused to do so. As the same individual was running, he started turning while holding the gun, raising it up over his left shoulder, and pointing it at Officer A. Officer B, believing that the subject was going to shoot Officer A, began to pull her weapon. She then heard a gunshot coming from Officer A’s location. It appeared as if the subject wearing the red hat and red jacket had been hit, but he threw the gun he was holding into a backyard before falling to the ground. Upon inquiry, Officer B stated that she was standing slightly behind Officer A and off to his right. She did not actually observe Officer A fire his weapon at the subject wearing the red hat and red jacket.

Officers A and B approached the subject wearing the red hat and jacket, but Officer D ran by them and handcuffed the subject. Officer A then called for an ambulance as there had been shots fired by the police. Officer B remained by the subject while Officer D and Officer A moved to retrieve the weapon thrown into a backyard. She remained at the scene as other units and exempt personnel arrived and transported her to Area Four for further investigation.

In his statement to IPRA on 19 APR 10, **Involved Officer A**, stated that on 02 APR 10, at 2300 hours, he was on patrol in the 011th District, with his partner, Officer B, working Beat 4420D. He was also working with Officers C, D, and E, who were assigned to Beat 4420C. At the time of this incident, he was dressed in a standard Chicago Police uniform consisting of navy blue cargo pants and a light blue shirt. He was armed with a Sig Sauer P220, .45 Caliber handgun on which he had qualified in March, 2010. Officer A stated that he was the driver of the vehicle to which he was assigned and Officer B was his regular partner.

Officer A stated that on 02 APR 10, at 2300, while on routine patrol, he and the aforementioned officers observed a large crowd on the south side of Ohio Street, between Homan Avenue and Christiana Street. The officers drove east on Ohio Street and decided to conduct a field interview to determine why the crowd, composed of approximately 30 people, had gathered. Beat 4420C communicated with Officer A and B regarding a field interview of a male in a red coat. As Beat 4420C attempted to pull next to the aforementioned individual, he would take a few steps forward in order to keep some distance between him and the squad car. When Officer E opened the squad car’s front passenger door, the male subject in the red coat reached into his waistband and fled east on Ohio Street, then north on Christiana Street. Upon inquiry, Officer A indicated that he later learned the identity of the male subject in the red coat as Subject 1.

10. Statement of Officer B, page 11, line 11

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Approximately one to two seconds later, Officer C called out via the car to car radio that Subject 1 was in possession of a gun. Beat 4420C followed Subject 1 north on Christiana Street while Officer A drove north into the alley between that street and Homan Avenue. After Officer A and B had just entered the alley, Officer C called out that Subject 1 had a gun and was heading towards them. Officer A put the squad car in park, and he and Officer B exited the vehicle. About a second later, Officer A observed Subject 1 run out of a gangway into the alley while holding a large, black semi automatic pistol in his right hand. Officer A twice verbally instructed Subject 1 to drop his gun. Upon inquiry, Officer A stated that Subject 1 was running away from him at what he believed was at full speed. Officer A pursued him with his hand on his gun but did not have it out of its holster at that time.

As Officer A approached him, Subject 1 turned the upper part of his body to the left and pointed the gun he was holding at him over that shoulder with his right hand. Officer A, fearing for his life and that of Officer B, simultaneously drew his weapon and stopped running; he subsequently fired one shot at Subject 1. Subject 1 then staggered, took one or two steps and threw his gun over a short fence into a backyard. He took one or two more steps and collapsed to the ground. Officer D then ran into the alley and handcuffed Subject 1 while Officer A attempted to obtain an address in order to call for an ambulance and additional units. Officer A then called out "Shots fired by the police" and requested an ambulance; Officer C came over the air and clarified their location. Additional units quickly arrived on the scene and the involved officers were separated from one another. Upon inquiry, Officer A indicated that he was 10-15 feet away from Subject 1 when he fired his gun at him. He added that he believed Officer B was behind and to the right of him when he shot Subject 1. After he fired his gun, however, he observed Officer B standing next to him.

CONCLUSION and FINDINGS:

This investigation found that the use of deadly force by the involved officers was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order G03-02-03, Section II:

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:

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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 involves 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.

Based upon the evidence obtained as a result of this investigation, the actions of Officer A were in compliance with the aforementioned General Order regarding the use of deadly force. Subject 1 presented a grave danger to the lives of Officer A and B when he pointed his weapon at them. Thus, Officer A was within the Department's guidelines regarding the use of deadly force. Regardless as to whether or not Subject 1 ever intended to fire his gun at Officer A and B, his intentions can not be considered a barrier to Officer A's use of deadly force to prevent death or great bodily harm to himself or his partner. The evidence shows that Subject 1's weapon was loaded and in working condition despite his intentions to fire it or not.

The Witness 3, stated that Subject 1 was not armed at the time Officer A shot him. The evidence, however, contradicts this claim. All of the officers stated that they observed Subject 1 in possession of a gun just prior to Officer A shooting him. Officers C, D, and E stated that as they initially approached Subject 1, they observed him remove a handgun from his waistband; Officers A and B observed him holding the gun as he entered the alley. It is particularly noteworthy that Officer A and B did initially observe Subject 1 holding a gun until he ran into the alley. This shows that although they had ample reason to believe Subject 1 was armed, they were not able to independently confirm this until they observed him holding a gun in his hand moments before he pointed it at Officer A. Additionally, the weapon Subject 1 was holding was recovered from the spot where Officer A and B stated that they saw him throw it after he was shot.

Witness 3 also stated that he observed Subject 1 run directly into the alley from Ohio Street while being pursued on foot by two police officers. This claim is refuted by not only all of the officers, but also the witness, Witness 2. Witness 2 indicated the she observed Subject 1 flee north on Christiana Street and was followed by a squad car while a second police vehicle turned into the alley. Her observations regarding this portion of the incident are consistent with the accounts of all the officers. This fact calls into question the accuracy and reliability of Witness 3's account of the incident. Given these facts as a whole, Officer A's use of deadly force was in compliance with

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department guidelines.