

INVESTIGATION

NUMBER: Log #1036849 / U #10-21

OFFICER

INVOLVED: “Officer A” (Chicago Police Officer); Male/White; 28 years old;
On-Duty; Civilian Dress; Year of Appointment – 2006

OFFICER’S

INJURIES: None Reported

SUBJECT: “Subject 1”; Male/Black; 28 years old

SUBJECT’S

INJURY: One gunshot wound to the lower left back. Taken to Mt. Sinai
Hospital for treatment.

DATE/TIME: 03 June 2010, 0038 hours

LOCATION: 932 N. Central Park, Beat #1112

SUMMARY OF INCIDENT:

This investigation, in conjunction with information gained through the investigation launched by the Chicago Police Department, revealed the following.

On 3 June 2010, at approximately 0038 hrs Chicago Police Officers A, B, and C came in contact with Subject 1. The officers initiated a field interview with Subject 1 and several other males in the vicinity of 944-46 North Central Park. Subject 1 initially attempted to run inside the building, but was stopped by Officer B. The officers observed that as Subject 1 attempted to enter the building, he was holding his right side. Officer B displayed his taser, and instructed Subject 1 to comply with his verbal directions, or risk being tased.

Subject 1 then walked back towards Officer A, who then began a protective pat down of Subject 1's person. Officer A detected an object he believed to be a firearm in Subject 1's right front pants pocket. Officer A retrieved his handcuffs with the intent of placing Subject 1 in custody. Subject 1 broke free, and fled southbound. Officer A pursued Subject 1, and announced "Gun, gun!" to his partners.

Officer A, Officer C, and Officer B would all later relate that Subject 1 retrieved a revolver from this right front pocket/waistband area, and turned the weapon towards the pursuing officers.

Officer A fired one shot from his service weapon, striking Subject 1 in his left lower back area. Subject 1 collapsed, while still holding a revolver. The weapon was secured, Subject 1 was detained, and medical attention was sought. The scene was protected and preserved for forensic processing.

INVESTIGATION:

The **Department Reports** list Subject 1 as the offender in this event. The reports further indicate that Subject 1 was shot by a CPD officer after he (Subject 1) pointed a revolver in the direction of the police. Subject 1 was subsequently charged with Three (3) counts of Aggravated Assault to a Police Officer, as well as Unlawful Use of a Weapon, and Armed Habitual Criminal.

The reports indicate that a H&R .32 caliber revolver (loaded with 6 rounds) was recovered from Subject 1. The Departmental reports are consistent with the summary within this report, and the statements provided by the involved officers.

The Medical Records obtained from Mt. Sinai Hospital indicates that Subject 1 was treated for a single gunshot wound to his left lower back. The bullet had not exited Subject 1's body, and surgery was performed to remove it successfully.

The **Tactical Response Reports (TRR'S)** completed by Officer A, Officer C, and Officer B documented that Subject 1 "did not follow verbal direction", "fled," was an "imminent threat of battery", "attacked with weapon", and "used force likely to cause death or great bodily harm" with a "weapon." The Officers responded with "member presence", "verbal commands", and Officer A with the use of his "firearm".

The OEMC reports were collected and made part of this case file. An analysis of said documents show no information that is inconsistent with the facts as related by the involved and witness officers.

IPRA Investigators conducted canvasses, in an attempt to locate additional witnesses and/or evidence.

Witness 1 of XXX N. Central Park advised that she witnessed this event. Witness 1 reported that she was in her home, at the second floor window, when she observed an unmarked police Crown Victoria stop alongside a group of three black males who had been standing on the sidewalk.

Witness 1 reported that she observed one of the police officers place (a male black now known as) Subject 1 against a fence, and begin to pat him down. Witness 1 reported that Subject 1 suddenly took flight, and the officers followed. Witness 1 related that one of the officers yelled words to the effect of, "Shoot him" at which time she heard a single gunshot. Witness 1 related that she did not see Subject 1 turn towards the officers, nor did she see if Subject 1 was holding a firearm at the time he was shot.

Witness 1 reported that her boyfriend, Witness 2 was with her in her home when this event occurred. Witness 1 advised that she does not personally know Subject 1, though she does know that he and Witness 2 are friends.

Witness 2 of XXX N. Central Park Ave advised that he witnessed this event.

Witness 2 advised that he was in the second floor window of XXX N. Central Park, when he observed Subject 1 in contact with three plainclothes police officers. Witness 2 reported that Subject 1 was arguing with the officers, and then began to flee from them on foot. Witness 2 reported that one of the officers yelled, "Gun! Gun! Gun! Shoot him!" at which time Witness 2 heard a single gunshot.

Witness 2 ran down to the street, at which time he was able to see that Subject 1 had apparently been shot. It is noted that Witness 2 and Subject 1 are associates, and that Subject 1's mother brought Witness 2 to IPRA investigators.

Witness 3 of XXXX W. 18th St advised that he witnessed this event. Witness 3 advised that he was outside of 932 N. Central Park when this event occurred. Witness 3 related that as one of the officers was patting down Subject 1, Subject 1 appeared to be nervous, as he continually looked towards his right side.

Witness 3 advised that Subject 1 broke free of the officer's control, and fled south. Witness 3 related that the officers pursued Subject 1. Witness 3 related that one of the officers stated, "He's got a gun!" Witness 3 related that another officer then yelled, "Shoot the motherfucker!"

Witness 3 related that at that time, he heard a gunshot. Witness 3 observed Subject 1 fall to the ground. Witness 3 related that the officers approached Subject 1, and that one of the officers stood on his arm before handcuffing him. Witness 3 related that he did not see Subject 1 pull a firearm from his waistband, or point it in the officer's direction at any time.

Witness 3 confirmed that he and Subject 1 are friends, and have been so for approximately ten (10) years.

Attempts to interview Subject 1 were made. Subject 1 refused to cooperate with the investigation being conducted by IPRA.

Illinois State Police Forensic Science Laboratory Reports document the examination of the recovered ballistic evidence, in comparison to the firearm belonging Officer A. It was determined that the shell casing recovered at the scene of this event was fired from Officer A's Sig Sauer .45 caliber pistol, serial #G467046.

Additional reports from ISP show that the revolver recovered from Subject 1 was loaded with six (6) rounds, and was in firing condition.

In a statement to IPRA, Officer B related the facts concerning his involvement in this event in a manner consistent with the Departmental Reports, the Roundtable report, and the Summary contained within this report.

Officer B stated that as Officer A was patting down Subject 1's person, he heard Officer A exclaim, "Gun!" at which time Subject 1 pulled away from Officer A and began to flee south.

Officer B advised that he was running behind Officer A, when he saw Subject 1 pull a firearm from his right side, and begin to point the weapon back at the officers. Officer B yelled, "Gun! Shoot him!" At that time, Officer A stopped on the sidewalk, and fired a single shot – striking Subject 1. Officer B related that Officer C recovered a revolver from Subject 1.

In a statement to IPRA, Officer C related the facts concerning his involvement in this event in a manner consistent with the Departmental Reports, the Roundtable report, and the Summary contained within this report.

Officer C related that he was beginning a filed interview with one of the (unknown) black males that had been standing in front of the house, while the other officers were in contact with Subject 1. Officer C related that he heard Officer A yell, "gun, gun, gun!"

Officer C related he turned his attention towards Officer A and observed him now pursuing Subject 1 on foot. Officer C joined the foot pursuit. Officer C related that he saw Subject 1 pull a firearm from his right side, and begin to point the weapon back at the officers. Officer C related that Officer B yelled, "Gun, shoot him," at which time Officer A stopped on the sidewalk, and fired a single shot – striking Subject 1.

Officer C related that after Subject 1 fell to the ground, he approached him. Officer C recovered a revolver from Subject 1's right front hand, and subsequently handcuffed Subject 1.

In a statement to IPRA, Officer A related the facts concerning his involvement in this event in a manner consistent with the Departmental Reports, the Roundtable report, and the Summary contained within this report.

Officer A related that as he was patting Subject 1 down, he detected a firearm in his (Subject 1's) right front pants pocket. Officer A attempted to place Subject 1 in handcuffs, at which point he broke free of Officer A's control and fled south.

As Officer A pursued Subject 1, he alerted his partners by yelling, "Gun, gun, gun!" Officer A related that Subject 1 pulled the firearm from his right front pocket, and turned the weapon in the direction of he and his fellow officers. Officer A related that he was approximately 35 feet from Subject 1 when he raised his revolver in his (Officer A's) direction.

Officer A recalled that Officer B yelled, "Gun, shoot him!"

At that moment, Officer A fired a single shot at Subject 1, in defense of his life and in defense of the lives of Officers B and C. Subject 1 fell to the ground, and Officer C recovered the revolver from him.

Officer A related that he was in fear for his life when he fired his service weapon at Subject 1, as Subject 1 was armed with a revolver – and was pointing his weapon at Officer A and his partners.

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A, 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 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 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."

On 3 June 2010 Subject 1 was stopped by Officer A for a field interview. During the course of a protective pat down, a firearm was discovered in Subject 1's front right pocket. Before Subject 1 could be handcuffed, he broke free and fled from Officer A. While in flight, Subject 1 pulled a revolver, and pointed it in the direction of Officer A, and Officer A's partners (Officer C and Officer B).

Officer A fired his weapon at Subject 1 one (1) time, striking him in the left lower back.

Evidence Technician photographs documented the scene; the photographs are consistent with the information officers related in their statements.

A fully loaded revolver was recovered from Subject 1, the weapon was later tested and found to be in firing condition.

Witness 1 reported that she was in her upstairs apartment at XXX N. Central Park, when she observed this event occur. Witness 1 related that she observed Subject 1 flee from the police officers, and that one of the police officers yelled words to the effect of

“Shoot him.” Though Witness 1 indicated that she did not see Subject 1 with a firearm, or see Subject 1 turn towards the officers during the pursuit, it is noted that her position in the upstairs window disallowed an unobstructed view to the event as it continued south of her home. Furthermore, Witness 1 does not assert that Subject 1 did not have a weapon, she only states that she did not see a weapon.

Given the distance, lighting, and vantage point – it is more likely than not that Witness 1 did not see all of this incident. Witness 1 herself makes no assertion that she did.

Witness 2 advised that he was also on the second floor of XXX N. Central Park, when he observed Subject 1 in contact with three plainclothes police officers. Witness 2 reported that Subject 1 was arguing with the officers, and then began to flee from them on foot. Witness 2 reported that one of the officers yelled, “Gun! Gun! Gun! Shoot him!” at which time Witness 2 heard a single gunshot. This observation is consistent with the statements provided by the witness and involved officers.

Witness 2 did not observe Subject 1 with a firearm, though given the distance, lighting, and his vantage point – it is more likely than not that Witness 2 did not see all of this incident.

Witness 3 advised that he did not see Subject 1 point a firearm at the officers. Witness 3 did relate that he heard the officers yell that Subject 1 had a “gun” and that one of the officer yelled words to the effect of “Shoot him!” during the foot pursuit. This observation is consistent with the statements provided by the witness and involved officers.

Although Witness 1, Witness 2, and Witness 3 related that they did not see Subject 1 in possession of a weapon, it is noted that all of the aforementioned persons were a considerable distance away from Subject 1, and this event occurred at night under low artificial light. It is further noted that a firearm was recovered from Subject 1.

All of the witnesses provided a similar account regarding Subject 1’s flight from the officers, and the exclamations made regarding the fact that Subject 1 was armed. These observations support the statements of the witness and involved officers.

Subject 1 refused to cooperate with this investigation. There are no independent witnesses that make allegations disputing the statements given by the witness or involved officers.

The facts and circumstances surrounding this event show that Officer A was in accordance with the statute “to prevent death or great bodily harm to the sworn member or to another person” because he reasonably believed his life was in danger when Subject 1 lifted his arm with a gun and pointed in his direction. The reports document that there was a high likelihood that Officer A was in danger of “great bodily harm” described in the statute if Officer A did not stop the threat on his life, by discharging his weapon.