

INVESTIGATION

SUBJECT: LOG #1036882 / U#10-22

OFFICER #1

INVOLVED: “Officer A” (Chicago Police Officer); Female/Black; 43 years old;
Off-Duty; In civilian clothes; Year of Appointment – 1991

OFFICER #1

INJURIES: None reported.

SUBJECT: “Subject 1”; Male/Black; 46 years old

SUBJECT’S

INJURIES: One gunshot wound to the upper right arm. Transported to
Roseland Community Hospital.

INITIAL

INCIDENT: Domestic Disturbance.

**DATE/TIME/
LOCATION OF
INCIDENT:**

04 JUNE 2010. 0106 hours. 116XX S. Elizabeth
Beat 524

SUMMARY OF INCIDENT:

It was reported that accused Officer A and victim, Subject 1 were married and they had a history of domestic altercations throughout their marriage. It was reported that on 03 June 2010 at approximately 1300 hours, Officer A and Subject 1 became involved in a domestic dispute which escalated into a physical altercation. The police were summoned to the marital residence, 116XX S. Elizabeth after Subject 1 left the residence accompanied by the couple's six year old daughter, Minor Witness. After filing a Domestic Battery report, Officer A called her friend, Witness 1 and upon his arrival, he and Officer A left the residence as well. Officer A returned home in the early morning of 04 June 2010 and found that she was unable to enter her residence because the dead bolt on the door was locked. It was at that time, that Officer A requested Witness 1's assistance in entering her residence and asked him to break a window and open the door from the inside. Witness 1 complied and after gaining entry, Officer A found the door to her bedroom on the second floor locked as well. She then asked Witness 1 to kick open her bedroom door, because she was tired and wanted to go to bed. Upon kicking open the door, Witness 1 observed Subject 1 sitting on the bed with a gun in his hand. It was at that point that Subject 1 demanded that Witness 1 leave his residence. Witness 1 walked down the stairs followed by Subject 1 and Witness 1 exited the residence through a side entrance and walked to the sidewalk in front of the residence. It was then that Subject 1 stepped out of the side entrance to the residence as well and reportedly discharged the weapon in Witness 1's direction. When Subject 1 stepped back inside the residence, it was reported that Subject 1 pointed the weapon in the direction of Officer A who was standing across the room. Officer A had retrieved her weapon from her purse and discharged her weapon once, striking Subject 1 once in the upper right arm. Subject 1 was subsequently taken into custody and charged with Domestic Battery, stemming from the physical altercation that occurred on 03 June 2010 and Reckless Discharge of a Firearm on 04 June 2010.

INVESTIGATION:

In the **Initiation Report**, Deputy Chief A reported that on 04 June 2010 at about 0130 hours, the accused member, Officer A arrived at her home at 116XX S. Elizabeth with her friend, Witness 1. Officer A was unable to gain entry to her home due to the doors being locked from the inside. Officer A requested that Witness 1 make a forced entry to her home and he broke a side window, entered the home and unlocked the door allowing Officer A to enter. Officer A and Witness 1 then went upstairs to the second floor bedroom and found the door locked. Again, Officer A asked Witness 1 to make a forced entry and he complied. Upon entry, Officer A's husband, Subject 1 was observed sitting on the bed with his six-year-old daughter. There was a verbal exchange between Officer A and Subject 1 and then Subject 1 ordered Witness 1 out of his house. Witness 1 complied and left the residence while calling the police at the request of Officer A. Subject 1 followed Witness 1 to the first floor of the house and leaned out of the side door, produced a handgun and fired one round at Witness 1. Subject 1 then turned toward Officer A who was standing in the kitchen area of the house. Subject 1 was still armed and had his finger on the trigger. Officer A pleaded with Subject 1 to drop the gun but he refused. Officer A retrieved her gun from her purse and fired one time at Subject 1 striking him in the right shoulder area. Subject 1 was transported to Roseland Hospital by CFD Ambulance #51 and later transferred to Mt. Sinai Hospital for treatment. (Att. 4)

In the **Preliminary Investigation** conducted by IPRA Investigator A, she reported that she responded to a police involved shooting at 116XX S. Elizabeth St. Upon arrival at the scene, IPRA Investigator A met with Deputy Chief A and during a walk through of the location of incident, Deputy Chief A stated that the involved off-duty officer, Officer A and the victim/offender, Subject 1 became involved in a domestic altercation on 03 June 2010 at 1330 hours at that location. Officer A alleged that Subject 1 slapped her. A case report was filed under RD #HS - 340654. According to Officer A, she and Subject 1 were married in 2005 and they have a six year old daughter (Minor Witness) in common. According to Officer A, prior to the most recent incident, there had been years of marital discord.

Officer A related that on 03 June 2010, she went out to eat with her friend, Witness 1 and when he returned her home on 04 June 2010 at 0130 hours, she was unable to gain entry to her residence because the door was locked from the inside. Officer A asked Witness 1 to break a side window near the kitchen. He climbed through the window and opened the side door for Officer A. It was reported that Officer A and Witness 1 went to the master bedroom on the second floor and discovered that the bedroom door was locked. Officer A asked Witness 1 to force open the door and he did. When the door was forced open, Subject 1 and the six-year-old child were in the room. Subject 1 asked Witness 1 who he was and this led to an exchange of words between the two. Subject 1 ordered Witness 1 out and as Witness 1 left the bedroom, he called "911" and reported a burglary in progress with the intentions of getting the police to respond promptly.

As Witness 1 left the bedroom, Subject 1 went to a closet in the bedroom and retrieved a handgun and proceeded to follow Witness 1 down the stairs. Subject 1 chased Witness 1 out of the side entrance of the residence. It was reported that Subject 1 leaned out of the side door and fired a shot at Witness 1. Officer A stated that Subject 1 turned

Independent Police Review Authority

Log #1036882/U #10-22

toward her and pointed his weapon at her. Officer A then reached into her purse, grabbed her weapon and fired once striking Subject 1. Subject 1 fell to the floor and Witness 1 re-entered the residence and took the weapon from Subject 1's hand. Witness 1 then exited the residence with the weapon and threw it on the grass on the front lawn.

Subject 1 sustained one gunshot wound to his right upper arm/bicep. Subject 1 was transported to Roseland Hospital initially, and was subsequently transported to Mt. Sinai Hospital for further medical treatment.

Deputy Chief A stated that Officer A related that Subject 1 produced a handgun and fired one round at Witness 1. Subject 1 stated that he fired his weapon in the air as a warning shot. The weapon discharged by Subject 1 was a Colt Police Pos, Special, .32 Caliber revolver, 4 inch Barrel, Inventory #12034750. The weapon belonged to Officer A's grandmother who gave it to Subject 1 to turn in for the city's gun turn in day.

Officer A's weapon was a Smith & Wesson, Model 3914, 9mm semi-automatic, 3½ Barrel, Inventory #10234750. It was noted that Officer A's weapon has the capacity to hold nine rounds, however, six live rounds were recovered from her weapon. One shell casing, believed to belong to Officer A's weapon was recovered from the kitchen floor of the residence.

It was reported that Deputy Chief A stated that Officer A did not appear to be under the influence of any alcohol or drugs. Deputy Chief A stated that gunshot residue tests were administered to Officer A, Subject 1 and Witness 1. Deputy Chief A further stated that a complaint register number would be issued.

IPRA Investigator A reported that the walk through was concluded and that no Roundtable was conducted. IPRA Investigator A further reported that she responded to Area 2 Headquarters with IPRA Supervisor A and she spoke with the first responding officers to the scene.

Officer B and Officer C, working Beat 557 related that they responded to burglary in progress at 116XX S. Elizabeth. Upon their arrival to that location, they observed a male subject, now known as Witness 1 standing outside of the front gate of the residence and Witness 1 pointed to Officer A's residence as the officers approached.

As Officer B approached the residence, he heard commotion inside but could not make out what was being said. Officer B looked through the broken window and observed an unknown female, now known as Officer A, sitting up on the floor pointing a weapon at Subject 1 who was lying face down on the floor. Officer B ordered Officer A to put down her weapon but she did not respond immediately. Officer A announced that she was a police officer and it was then that she placed her weapon on the floor. Initially, Officer B did not know Officer A was a police officer and as he entered the residence, he kicked Officer A's weapon out of her reach. Officer B related that assisting officers then arrived on the scene. Officer B Officer C both related that Officer A, Subject 1, and Witness 1 never made any statements to them about what happened.

IPRA Investigator A reported that she attempted to obtain a statement from Witness 1 but he declined, stating that he had a graduation to attend. (Att. 7)

In an, **in-person interview**, with **victim Subject 1** conducted by IPRA Investigator B at Mt. Sinai Hospital on 04 June 2010, Subject 1 related the events that led up to the injuries he sustained. Subject 1 related that on 02 June 2010 at approximately 2200 hours, his wife, Officer A took a shower and he believed that she was getting ready to go to bed but a short time later, his six-year-old daughter informed him that she had put on a white dress, left the house and gotten into a car. Officer A returned home on 03 June 2010 at approximately 1000 hours and it was then, that Subject 1 confronted her and further informed her that he accessed her cellular phone message from a man. As they argued, Subject 1, whose leg is amputated below the knee, stumbled and fell. He stated that while trying to break his fall his hand brushed his wife's Officer A's face. She apparently mistook the inadvertent touching of her face as an attempt to slap her. Officer A punched and scratched his face near his right eye. Officer A then called 911. Fearing arrest, Subject 1 left his home and an older daughter came to pick him up and drove him to his sister's home. Subject 1 related that he returned home at approximately 2200 hours on 03 June 2010 and before he entered the house, he called 911 and requested a police supervisor. A sergeant arrived and escorted him into his house. Officer A was not at home at the time. Subject 1 related that he and his six-year-old daughter were locked in his bedroom and they slept for a short time, when he heard glass breaking on the first floor and moments later, the bedroom door was kicked opened. He stated that he had never seen the man now known as Witness 1 before. Subject 1 related that he put on his prosthetic leg, went to the closet and retrieved a gun that belonged to his wife's grandmother. He went out of the bedroom to pursue the man and saw his wife (Officer A). Officer A told Subject 1 that she wanted him to leave the house and he refused. Subject 1 ordered Witness 1 to leave his house. Subject 1 related that when Witness 1 refused to leave the front of his house, Subject 1 went to the doorway and fired one shot into the air, while telling Witness 1 to get off his property. Subject 1 related that he then heard another gunshot, felt pain in his arm, turned and observed his wife a few feet away with her gun aimed at him. He then realized that Officer A had shot him. Subject 1 related that Officer A then began to yell out, "I got him! I got him!" She grabbed Subject 1 and pulled him to the floor and fell on top of him. Officer A dropped her gun, but was able to retrieve it and then she struck Subject 1 on the head three to four times with the gun while telling him not to move. Subject 1 related that Witness 1 then returned and took Subject 1's gun from his hand, his arm was now immobile. Officer A told Witness 1 to call the police and give them a code. While waiting for the police to arrive, Subject 1 asked Officer A why she shot him and she stated that he was scaring her. (Att. 19)

The **Arrest Report**, CB #17889836, of Subject 1 documents that Subject 1 was arrested for aggravated assault after he attempted to shoot Witness 1 and then turned toward Officer A while holding a revolver and refused to drop the weapon. While in fear of receiving an aggravated battery, Officer A shot Subject 1 when he refused to drop the weapon. Subject 1 was transported to Roseland Community Hospital for treatment. Further investigation revealed that Subject 1 was a named offender in a domestic battery reported under RD #HS-340654 with Officer A as the victim. (Att. 8)

The **Case Report**, RD #HS-340654, documented that on 03 June 2010 at 1320 hours, responding officers responded to a Domestic Battery at 116XX W. Elizabeth and spoke with the victim, Officer A. Officer A stated that her husband, Subject 1, slapped her on the face, choked her and pulled her hair. Officer A stated that she was able to break free and ran to the garage, where she called 911. It was reported that Subject 1 fled the scene before the arrival of the police. (Att. 10)

The **Case Report**, RD #HS-341768, documented that responding officers responded to a call of a person shot at 116XX S. Elizabeth. Upon arrival, the officers were met by victim, Witness 1 and witness, Officer A. Subject 1 was observed lying on the kitchen floor with a gun shot wound to the upper right arm. It was reported that Subject 1 had fired shot at Witness 1 and Officer A shot Subject 1 after Subject 1 turned toward her with the weapon in his hand. Subject 1 was taken into custody and transported to Roseland Community Hospital by CFD ambulance #51. Crime Lab, Beat #5803 recovered two weapons on the scene. (Att. 11)

The **Original Case Incident Report and Case Supplementary Report**, RD #HS-341768, documented the evidence inventoried from the scene as well as interviews with the involved parties. The firearms inventoried from the scene are as follows: (1) Semi-Automatic Pistol, Model: S&W Model 3914, Serial #TEZ3110, Caliber/Gauge: 9 caliber, Magazine Capacity:8+1, # Live Rounds: 6, # Spent Cartridges: 1, weapon registered to Officer A. (Inventory #12034739-177). (2) Revolver, Model: 19-16, Serial #BKA6899, Caliber/Gauge: 357 caliber, Magazine Capacity 6, #Live Rounds: 0, weapon registered to Officer A. (Inventory # 12034748-177). (3) Revolver, Model: Police Positive Special, Serial #594490, Caliber/Gauge: 32 caliber, # Live Rounds: 5, # Spent Cartridges: 1, weapon not registered. (Inventory #12034750-177). (Atts. 12 & 58)

In an **on-scene interview** of **Witness 1**, conducted by CPD Detective A and Assistant States Attorney A, it was revealed that Witness 1 met Officer A approximately a month prior to the incident on the internet and they began dating afterwards. At the time of the incident, they had been intimate for approximately two weeks. Witness 1 stated that he knew that Officer A was a Chicago Police Officer and was married. He stated that in the late afternoon hours of 03 June 2010, he was contacted on his cell phone by Officer A and she told him that there had been a physical altercation between her and her husband and she had called the police. She asked Witness 1 to come and pick her up. Witness 1 stated that he came and picked her up; they left together and ran some errands in Gary, Indiana. He stated that they were out for several hours and he returned her to her home at approximately 0100 hours of 04 June 2010. He stated that Officer A was unable to gain entry to her residence because the door was latched from the inside. Witness 1 stated that Officer A asked him to break a window next to the door, climb in and open the door for her. He stated that he pried up the storm window with a screwdriver but was unable to jimmy open the latch on the inside window. He broke the glass pane in the lower window, reached inside and opened the latch on the window. Witness 1 stated that the next door neighbor heard the noise and came out. Officer A explained to the neighbor that she had been locked out at which time the neighbor turned on his outside light so they could see. Once inside, Officer A then proceeded up the stairs to the second level but several minutes later, Officer A called Witness 1 to come upstairs to assist her into getting into the bedroom because the door was locked. Witness 1 stated that he offered to remove the door jam, so not to damage the door but Officer A instructed him to kick it

Independent Police Review Authority

Log #1036882/U #10-22

open. Witness 1 stated that he forced the door open with his shoulder and upon entering the light came on in the bedroom. He observed Subject 1 sitting on the bed. Witness 1 stated that Subject 1 ordered him to “get the fuck out of his house.” Subject 1 stood up and went towards the closet. Witness 1 stated that he walked back downstairs and out of the side door. He further stated that while walking to the front sidewalk, he heard Subject 1 say something to his wife and again told him to get off his property. Witness 1 stated that he saw Subject 1 step out of the side door, raise his arm in his direction and then he saw a bright flashes and heard two gun shots. Witness 1 stated that he walked southbound on Elizabeth away from the house. He heard a commotion coming from inside and heard Subject 1 and Officer A arguing. Moments later Witness 1 heard another shot. He stated that he went back to the house and he observed both Officer A and Subject 1 on the floor and Subject 1 was bleeding from his shoulder area and a revolver was on the floor near his hand. Witness 1 stated that he picked up the revolver, carried it outside and threw it in the front yard. Witness 1 then called 911 and as instructed by Officer A, he gave a number code to the dispatcher. Witness 1 stated that he remained in the front of the house until responding units arrived. He then directed them to where Officer A and Subject 1 were located. (Att. 12)

In a subsequent interview **with the Independent Police Review Authority** **Witness 1** related essentially the same chain of events he provided to the responding detectives, with the exception that prior to this incident, he did not know that Officer A was a police officer. He stated that he did not know what Officer A did for a living and that she told him that she worked for the city. Witness 1 stated that after being instructed to force entry into her home when she discovered that she was locked out, he was again instructed to force entry into her bedroom when that door was locked. Witness 1 stated that when he forced the bedroom door open, he discovered that Subject 1 was on the bed. Officer A then instructed Witness 1 to call the police because Subject 1 was not supposed to be in the house. Witness 1 stated that he was forced to leave the house because Subject 1 had armed himself with a handgun and while standing in the doorway of the home, Subject 1 discharged the weapon in Witness 1’s direction who at the time, was standing on the sidewalk at the front of the house. Witness 1 stated that when he heard a gunshot coming from the inside of the house, he went back inside the house and observed Officer A and Subject 1 lying approximately two feet apart and she was pointing a gun at Subject 1 and it was then that she told him to call the police a second time. When asked whether or not he saw Officer A strike Subject 1 about the head in any manner, he stated that he did not see that occur nor did he mention observing any injuries to Subject 1’s facial area. (Att. 71)

In an interview with **Officer A** conducted by Assistant States Attorney A, she stated that she and Subject 1 have been legally married since 12 June 2005 and have lived in the house at 116XX S. Elizabeth since September of 2002. She stated that she and Subject 1 have one child together, six-year-old Minor Witness. Officer A stated that she and Subject 1 have been having marital problems in excess of three years and have argued over the fact that Subject 1 believed she was seeing someone. She stated that at the time of the present incident, she and Witness 1 were engaged in an intimate relationship. Officer A stated that on 03 June 2010, she had stayed out all night and

Independent Police Review Authority

Log #1036882/U #10-22

returned home at approximately 1300 hours. She stated that Subject 1 accused her of cheating and slapped her on the face. She managed to get away from him and she ran to the garage where she called the police. When the police arrived, they searched the residence but Subject 1 and Minor Witness were not there. Officer A stated that she made a Domestic Battery Report, filed under RD #HS-340654. Officer A stated that she then called Witness 1 to come and get her. She stated that he arrived at approximately 1500 hours. They remained in the house playing cards until after dark. Officer A stated that she and Witness 1 left the house in Witness 1's car and went to Gary, Indiana to run some errands relative to Witness 1's daughter's graduation. She stated that Witness 1 returned her home later and upon arrival to her home, she was unable to gain entry. She instructed Witness 1 to break a window and open the door. When Officer A was unable to gain entry to her bedroom, she instructed Witness 1 to force open the door. After Witness 1 forced open the bedroom door and discovered Subject 1 inside, she told Subject 1, "You're not supposed to be here." She stated that he put on his prosthetic leg and hobbled to the closet. She assumed that Subject 1 was getting dressed, so she followed Witness 1 down the stairs to the first floor. Officer A stated that Witness 1 went out of the side door and began to walk eastbound toward the front sidewalk. She stated that Subject 1 came down the stairs cursing and yelling at her and Witness 1 and he walked to the side door. Officer A stated that her attention was momentarily diverted and she then heard a "pop." She looked up and saw Subject 1 standing in the doorway with his arm raised up pointing the gun eastward down the gangway. She stated that he came back into the house and she observed Subject 1 holding a blue steel revolver in his right hand. Officer A told Subject 1 to put the gun down but he refused. He was waiving it around but never directly pointed it at her. She told him several more times to put the gun down and he refused and began to curse at her for bringing a man into their house in front of their daughter. Officer A stated that she was in fear of her life and pulled out her 9mm semi-automatic handgun from her purse. Officer A stated that she fired one shot. She stated that she lost her balance when she slipped on some broken glass and fell to the floor. Officer A stated that Subject 1 was struck with a bullet and fell forward on top of her. She stated that when he fell, the revolver he was holding came out of his hand. Officer A stated that she called out to Witness 1 who came back inside the house. She directed Witness 1 to pick up the revolver and take it outside to get it out of Subject 1's reach. She then directed him to call 911 and tell them there were shots fired by an off duty police officer with a person shot. Officer A stated that when the police arrived, she was directed to place her weapon on the floor and she complied.

The reporting Detective and Assistant States Attorney (ASA) informed Officer A that her daughter had been brought into Area Two and explained to her that it was necessary to interview her daughter to ensure a thorough investigation. Officer A refused to allow the interview.

The reporting Detective was advised that Subject 1 had been released from Mt. Sinai Hospital and was in the 5th District lock-up awaiting interview. Subject 1 insisted on providing his side of the incident. After being advised of his constitutional rights per Miranda by Assistant States Attorney A, Subject 1 stated that on Wednesday night, 02 June 2010, both he and Officer A were getting ready for bed when she got a phone call on her cell phone and went downstairs. When she did not return to the bedroom, Subject 1 asked Minor Witness where her mother was. He stated that Minor Witness told him that Officer A had put on a black & white dress and left with an unknown guy. Subject 1

Independent Police Review Authority

Log #1036882/U #10-22

stated that he sent Officer A a text message and she responded that she would be back soon. He stated that he continued trying to contact her with no response. Subject 1 stated that he had Officer A's password to her cell phone and when he entered the password for her cell phone messages, he heard a male voice stating he would be by in a few minutes to pick her up. He stated that on 03 June 2010 Officer A contacted Subject 1 and stated that she would be home in a little while and she did not want to fight. Subject 1 stated that when Officer A arrived home she began unpacking a box with pots and pans. He stated that he confronted her about her activities. Subject 1 stated that when he attempted to walk past Officer A, his prosthesis slipped on some of the packing material from the box and he fell forward into Officer A. He stated that Officer A then began to beat him about the head and body. He stated that their daughter, Minor Witness witnessed the attack, and called to Officer A to stop hitting her daddy. Subject 1 stated that Officer A then went to the garage and with Minor Witness's assistance, he was able to get up off of the floor and he and Minor Witness left the house and went next door to a neighbor's home. He stated that he called his eldest daughter and she came to pick up both he and Minor Witness. Subject 1 stated that they stayed with his eldest daughter until 2200 hours at which time, they were driven back home. He stated that upon their arrival, he called 911 and requested that a supervisor meet him to avoid any complications. He further stated that a male and female supervisor responded and after going through the house, they found no one home. Subject 1 stated that he and Minor Witness then went inside the house and up to bed. He stated that approximately three hours later, he was awakened by the sound of breaking glass down stairs. He stated that he woke Minor Witness and told her to lie on the floor next to the bed and be quiet. He put on his prosthesis, locked the bedroom door, and got a revolver from the closet. Subject 1 stated that he then went back and sat on the end of the bed ready to defend himself and his daughter. He stated that he heard muffled sounds in the hallway outside of the door and someone trying the door knob. Suddenly, the bedroom door was kicked opened, a light came on and an unknown male black, dressed in black walked in. Subject 1 stated the unknown male black stated, "This mother fucker has a gun." Subject 1 stated that he told the man, "Get the fuck out of my house." He stated that the man ran out of the room. Subject 1 stated he recognized the voice as being the same one he heard on his wife's cell phone the night before. Subject 1 stated that he went down the stairs, gun in hand, and saw Officer A standing in the kitchen area on the far side of the table. He stated that he admonished Officer A for bringing her boyfriend into their house in front of their daughter. He stated that he looked toward the side door and saw the male subject standing by the door. Subject 1 stated that as he began to make his way to the door, the male subject began walking eastbound down the gangway toward the front of the house. Subject 1 stated that he exited the door onto the concrete stoop and again told the male subject, "I ain't playin with you...get the fuck up off my property." Subject 1 stated that he raised his revolver and fired one shot in the air to add emphasis to his demand. He stated that the male subject then ran from the scene. Subject 1 stated that as he came back into the house and turned to go back up stairs, Officer A shot him in the arm without warning. He stated that he fell forward up top of Officer A. He stated that Officer A struck him on the head several times with her pistol. Subject 1 stated that Officer A then called to the male subject and stated, "I got the motherfucker, come get the gun." Subject 1 stated that the male subject reappeared, picked up the revolver he (Subject 1) had dropped and took it outside. Subject 1 stated that when the police arrived, they ordered Officer A to drop her weapon. He stated that he told the police that his wife was an officer and not to shoot. Subject 1 stated that he was not trying to hurt anyone. He stated

Independent Police Review Authority

Log #1036882/U #10-22

that he had ample opportunity to shoot the man if he had intended to do so. Subject 1 concluded his statement to the ASA by stating that after he discovered the message on his wife's cell phone, he checked the home computer for email messages and internet history and found messages and web history from www.blacksingles.com. (Atts. 12, 56, 58)

In a subsequent interview with the **Independent Police Review Authority**, **Subject 1** advised IPRA Investigator C that after the initial altercation in the kitchen of his home in the afternoon of 03 June 2010, Minor Witness, his six-year-old daughter grabbed Officer A's purse and ran to the garage area to keep her mother, Officer A from calling the police; however, Officer A was able to retrieve the purse and tried to coax Minor Witness to come with her but Minor Witness refused. It was then that Officer A stated, "Get out of my house and take that little ungrateful bitch with you." Subject 1 stated that he then left the house with Minor Witness and went next door to a neighbor's home where he called his older daughter, Witness 2, and asked her to come and get him and Minor Witness. He stated that he stayed at Witness 2's home the rest of the afternoon and from there he went to his sister's (Witness 3) home and stayed there until the late evening. Subject 1 stated that Witness 3 took him and Minor Witness back home at about 2330 hours. The rest of the interview with IPRA Investigator C was consistent with the interview conducted by Assistant States Attorney A. (Atts. 12,56,58)

The **911 Transcription** of the call made from 116XX S. Elizabeth on 03 June 2010 at 1307 hours was made by Officer A. Officer A reported that her husband beat her. She stated that she ran away from him and she is currently in the garage. Officer A told the dispatcher that she believed Subject 1 left with their daughter. (Atts. 47 & 48)

The **911 Transcription** of the call from 116XX S. Elizabeth on 03 June 2010 at 2344 hours was made by Subject 1. He requested that a car be sent to his residence because earlier in the day, he and his wife had an argument that became physical. He stated that he needed a supervisor because his wife is a Chicago Police Officer. Subject 1 stated that he did not want to have any problems. He explained that he is disabled with an amputated leg and his wife put him and their six-year-old daughter out of the house earlier and they needed to go home. (Att. 47 & 48)

The **911 Transcription** of the initial call made from 116XX S. Elizabeth on 04 June 2010 at 0135 hours was made by (Witness 1). He told the dispatcher that the husband (Subject 1) was breaking into the residence. He explained that there was a warrant out on Subject 1 after the police were called to that location earlier in the day for physically assaulting his wife. Witness 1 was told that the police were on the way. He advised the dispatcher that he was currently standing outside. At 0138 hours, a second call was made by Witness 1 and he reported that Subject 1 was shooting at him. At 0140 hours, Witness 1 made a third call to 911 and reported that a person inside the house has been shot in the arm. Witness 1 reported that Subject 1 was shooting at him and Subject 1's wife shot him. Witness 1 further reported that the wife (Officer A) is a police officer and she is holding a gun on Subject 1. (Att. 35, 73,74,75)

The **Crime Scene Procession Report** and **Evidence Technician Photographs** and **Video Tape**, depicts the location of the incident and the locations of recovered evidence. All involved firearms, shells and shell casings were recovered. There were photographs of the dining area of the residence, the side door where entry was gained by

Independent Police Review Authority

Log #1036882/U #10-22

Officer A and Witness 1 and the bedroom area and closet where additional weapons were recovered. There were additional photographs of Subject 1 who was hospitalized. (Atts. 16,17,67,68)

The **Medical Report**, from Mount Sinai Medical Center documents that on 04 June 2010 Subject 1 was transferred from Roseland Hospital. It was noted that Subject 1 sustained a gunshot wound to the right arm during a domestic dispute with his wife who is a Chicago Police Officer. It was noted in the report that Subject 1 sustained a “comminuted, angulated fracture of the diaphysis of the humerus” (fragmented bone of upper arm). The final diagnosis was Gun Shot Wound to Right Humerus, Humerus Fracture. (Att. 70)

The **Illinois State Police Laboratory Reports** indicate that Subject 1 discharged a firearm, contacted a PGSR related item or had his right hand in the environment of a discharged firearm. If determined to be probative, Exhibit 1B may be analyzed. The reports also indicate that Witness 1 may not have discharged a firearm with either hand. If he did discharge a firearm, then the particles were removed by activity, were not deposited, or were not detected by procedure. The reports also indicate that Officer A discharged a firearm, contacted a PGSR related item, or had both hands in the environment of a discharged firearm. Recovered from the scene was a Smith & Wesson, model 3914, 9mm Luger semiautomatic pistol, serial # TEZ3110.¹ The Colt, model Police Positive Special, 32 Colt New Police caliber revolver, Serial #594490 was examined and found to be in firing condition and test fired.² Also recovered at the scene was a Smith & Wesson .357 cal. revolver, Model 19-16, Serial # BKA6890.³ (Atts. 12,41,49,50,54)

A **review of the POD footage** from POD #1066 located in Cooper Park near 11700 S. Ada did not provide any information relevant to this investigation. (Atts. 78,79)

The **Tactical Response Report (TRR)** of Officer A documents that Subject 1 fired a fully loaded .32 Cal. revolver at Witness 1. Subject 1 refused to drop the revolver when ordered to do so. Fearing for her life and the life of Witness 1, Officer A fired one shot at Subject 1. (Att. 14)

The **Officer’s Battery Report** completed by Officer A did not include a narrative of the incident. (Att. 15)

In an **interview**, with outcry witness **Witness 2**, acknowledged that her father, Subject 1 contacted her from his neighbor’s home and asked her to come and get him and her sister, Minor Witness. She stated that she picked him and her sister up in the alley behind the neighbor’s home and while in the car, her father told her he had an argument with his wife, Officer A. Subject 1 told her that Officer A stayed out all night and when she returned home that afternoon, he confronted her and the argument escalated into a fight. Witness 2 stated that according to her father, Officer A told him to get out and

¹ This is the weapon which was recovered from the kitchen floor was discharged by Officer A.

² It should be noted that at the time of the altercation, this weapon was fired by victim Subject 1.

³ This weapon, which is owned and registered to Officer A, was recovered from a shoe box in her closet. This weapon had no live rounds in the cylinder and was not involved in the altercation.

Independent Police Review Authority

Log #1036882/U #10-22

said, "Take the little ungrateful bitch with you," meaning her little sister. Witness 2 stated that later that day when she and Minor Witness had some time together, she asked her what happen between her parents and Minor Witness told her that her daddy confronted her mommy about not coming home and they got into a fight and she helped her daddy. Minor Witness told her that her mommy hit her and her dad and told both of them to get out. When asked if Subject 1 had any observable injuries, Witness 2 stated that her dad had scratches above his eye and his left eye was pink as if he had been poked in the eye. Witness 2 stated that later she took her father and Minor Witness to her aunt Witness 3's home at 54XX W. Cortland and she then left and went back home. Witness 2 stated that she found out later Witness 3 and her husband took Subject 1 back home to get his medicine and they left him there. Witness 2 stated that later that night, Witness 3 got a call telling her that someone needed to come and pick up Minor Witness but at that time they did not know what was going on. She stated that Witness 3 did not think anything about it and the next morning they all found out that Subject 1 was in jail while watching the news. (Att. 88)

In an interview, with outcry witness **Witness 3**, she identified herself as the sister of Subject 1. She stated that on 03 June 2010, her niece, Witness 2 brought Subject 1 to her residence at about 2200 hours but she was not at home at the time. She stated that she did speak with her brother earlier, and he told her that he and his wife, Officer A had an argument because Officer A stayed out all night and did not come home until the next day. He told Witness 3 that he had to leave home because Officer A called the police on him. Witness 3 stated that when she arrived home with her husband and son, Subject 1 was at her residence and he told her that he needed his medicine. When asked if she observed any injuries to Subject 1's person, Witness 3 stated that he had scratches around one of his eyes. She stated that her brother told her that during the altercation with Officer A, she struck him on his eye and knocked him down. Afterwards, she called the police. He told Witness 3 that he was frightened because knowing that Officer A was a police officer, he did not know what would happen, so he and his daughter, Minor Witness left the house and went to a neighbors home. Witness 3 stated that she did get an opportunity to speak with Minor Witness and Minor Witness told her that her mom was fighting her dad and that she helped her dad by hiding her mom's purse with the cell phone inside so that she could not take her dad to jail. Witness 3 stated that Minor Witness told her that Officer A also called her an "ungrateful bitch." Witness 3 stated that when she took Subject 1 home to get his medicine, he called for a police escort into his residence and this was at midnight of 04 June 2010. She stated that when everything appeared okay, she left the residence and went home. Witness 3 stated that at approximately 0230 hours she received a phone call from an unknown person telling her to come and pickup Minor Witness. She stated that she was not given any clear information as to why she needed to return to her brother's residence, so she did not go. Witness 3 stated that several hours later, her niece, Witness 2 called her to tell her that Subject 1 had been shot by Officer A. (Att. 89)

CONCLUSION AND FINDINGS:

The R/I recommends a finding of **Not Sustained** for **Allegation #1**, that during a domestic altercation on 03 June 2010, at 1300 hours, **Officer A** maltreated the victim, Subject 1 when she slapped him on the face and struck him on the head with her gun. There were no available eyewitnesses to corroborate Subject 1's account that this occurred nor was there any medical evidence to support his claim. Based on this, there is insufficient evidence to prove or disprove the allegation.

The R/I recommends a finding of **Not Sustained** for **Allegation #2**, that during a domestic altercation on 03 June 2010 at 1300 hours, **Officer A**, victim Minor Witness when she called her an "ungrateful bitch." The allegation made by Subject 1 was unsubstantiated in that, the minor child, Minor Witness was not made available for an interview. Therefore, there is insufficient evidence to prove or disprove the allegation.

The R/I recommends a finding of **Exonerated** for **Allegation #3**, that during a domestic disturbance on 04 June 2010 at 0135 hours, **Officer A**, physically maltreated Subject 1 when she shot him. At the time of this altercation, Subject 1 was in possession of a firearm and had allegedly discharged that weapon at Witness 1. After discharging the weapon in his possession, Subject 1 then reportedly turned toward Officer A and fearing for her life, Officer A discharged her weapon in the direction of Subject 1.

The R/I recommends a finding of **Not Sustained** for **Allegation #4**, that during a domestic disturbance on 04 June 2010 at 0135 hours, **Officer A**, physically maltreated Subject 1 when she struck him on the head with her gun. There were no available eyewitnesses to corroborate Subject 1's account that this occurred nor was there any medical evidence to support his claim. Based on this, there is insufficient evidence to prove or disprove the allegation.

The R/I recommends a finding of **Sustained** for **Allegation #5**, per mediation in that during a domestic disturbance on 04 June 2010 at 0135 hours, **Officer A**, was in violation of Rule 6, "Disobedience of an order or directive" when she failed to properly secure weapons in her home.

This R/I recommends a finding of **Sustained** for **Allegation #6**, per mediation in that during a domestic disturbance on 04 June 2010 at 0135 hours, **Officer A**, was in violation of Rule 6, "Disobedience of an order or directive" when she had an unauthorized and unregistered weapon in her home.

The R/I recommends a finding of **Sustained** for **Allegation #7**, per mediation in that during a domestic disturbance on 04 June 2010 at 0135 hours, **Officer A**, was in violation of Rule 6, "Disobedience of an order or directive" when she endangered the life of her child when she by having an unsecured weapon in her home.