

INDEPENDENT POLICE REVIEW AUTHORITY
LOG# 1037191/U#10-23

INVESTIGATION

NUMBER: LOG# 1037191/U# 10-23

OFFICER #1

INVOLVED: “Officer A” (Chicago Police Officer); Male/Black; 42 years old;
On Duty; In Civilian Dress; Year of Appointment – 1996

OFFICER #2

INVOLVED: “Officer B” (Chicago Police Officer); Male/Black; 42 years old;
On Duty; In Civilian Dress; Year of Appointment – 1998

SUBJECT: “Subject 1”; Male/Black; 35 years old

SUBJECT’S

INJURIES: Gunshot wounds to right side of head and lower left flank. CFD
Ambulance #14 transported subject to Christ Hospital.

INITIAL

INCIDENT: Officers responded to a “Man with a Gun” call.

DATE/TIME

OF INCIDENT: 14 June 2010, 2106 hours

LOCATION:

6922 S. Vernon Avenue - Sidewalk
Beat 0322

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SUMMARY OF INCIDENT:

On 14 June 2010, at approximately 2106 hours, Officer A and Officer B, working Beat 42G71C, responded to a call of a "Man with a Gun" in the vicinity of 75th Street and Evans Avenue. As the officers approached 70th and Dr. Martin Luther King Jr. Drive, Officer A observed a man, now known to be the subject, Subject 1, making "suspicious" movements and believed that Subject 1 had a gun. Officer B stopped the squad car and the officers asked Subject 1 to come to them. When Officer A exited the squad car, Subject 1 turned and fled from the officers. Officer A ran after Subject 1 northeast across King Drive and through a vacant lot north of 6951 S. King Drive. Officer A continued to chase Subject 1 north in the alley between King Drive and Vernon Avenue then east through another vacant lot north of 6936 S. Vernon Avenue. Officer A was approximately 15 to 20 feet behind Subject 1 as they ran. Subject 1 turned north onto Vernon Avenue and continued running out of Officer A's line of sight. When Officer A reached the point where he initially lost sight of Subject 1, Subject 1 fired a gun at him. Officer A returned fire and Subject 1 fell to the ground. Officer B, who had driven around the block to try to stop Subject 1, arrived on Vernon Avenue as the shots were being fired. Officer B helped Officer A secure Subject 1 and called for an ambulance. A gun was recovered from the parkway grass in front of 6922 S. Vernon Avenue. Subject 1 was transported to Christ Hospital for treatment.

INVESTIGATION:

Officer A related to the Roundtable Panel an account that was consistent with the Summary of Incident. Officer A stated that Officer B was driving the squad car as the officers responded to a call of “Man with a Gun/Shots Fired” in the vicinity of 75th and Evans. Officer A observed Subject 1 walking south on King Drive while holding his side. Officer B stopped the squad car and Officer A got out and announced his office. Subject 1 continued walking south toward Officer A. Officer A reached out his hand toward Subject 1 who turned and ran northeast across King Drive. Subject 1 held his side as he ran. Officer A ran after Subject 1 and yelled at him to stop running. They ran through a vacant lot on King Drive, to the alley, then north in the alley, and east through another vacant lot to Vernon Avenue. Subject 1 turned north onto the west sidewalk of Vernon Avenue and Officer A lost sight of Subject 1 for a short period of time. Officer A ran in the direction where he had last seen Subject 1 and reached the edge of the sidewalk. Officer A looked to the north and saw that Subject 1 was standing in front of 6922 S. Vernon. Subject 1 faced Officer A and pointed a handgun at him. Subject 1 fired approximately three times in Officer A’s direction. Officer A, in fear for his life, discharged his weapon, he believed six to eight times. Officer A saw Subject 1 fall to the ground. Officer A approached Subject 1 and continued to point his weapon at Subject 1. Officer B arrived on the scene and assisted by handcuffing Subject 1 and calling for an ambulance. Officer A observed a black firearm in the front yard of 6922 S. Vernon Avenue.

Officer B related to the Roundtable Panel an account that was consistent with the Summary of Incident. Officer B and Officer A responded to a Shots Fired/Man with a Gun call in the vicinity of 75th and Evans. Officer A alerted Officer B to the fact that Subject 1 was standing on the sidewalk near 70th and King Drive. Officer B stopped the squad car facing westbound on 70th Street. Officer A exited the vehicle and Officer B began to exit the vehicle when he heard Officer A yell, “Stop!” Officer B saw his partner and Subject 1 run east across King Drive. Officer B made a U-turn and drove parallel to Officer A and Subject 1 as they ran eastbound on 70th Place. Officer B saw that Subject 1 held his side and ran awkwardly; Officer B thought that Subject 1 had a gun because of how he ran. Officer B crossed King Drive and turned northbound into the alley between King Drive and Vernon Avenue. Officer A was in front of the squad car and Subject 1 was three to four steps in front of Officer A. Subject 1 and Officer A ran east through a vacant lot and Officer B continued north to the end of the alley then he turned east to Vernon Avenue. Officer B turned south onto Vernon Avenue and, shortly thereafter, saw 5-6 muzzle flashes as Subject 1 fired a handgun at Officer A. Officer A returned fire and Subject 1 fell to the ground. Officer B stopped the vehicle called then called in the shots fired over the radio. Officer A continued to point his weapon at Subject 1 and Officer B assisted by handcuffing Subject 1. Officer B then called for an ambulance. Officer B stated that he observed a handgun on the ground near where Subject 1 had been standing. Officer B did not draw his weapon when he exited his vehicle on Vernon.

In a **statement** to the Independent Police Review Authority on 22 June 2010, **Officer A**, stated that he and his partner, Officer B, were assigned to the Area 2 gun team and were on patrol in the 3rd District near 63rd and King Drive when a call of shots fired came over the radio.

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The shots fired were reported at 75th and Evans. Officer B drove their squad car southbound on King Drive until the officers approached 70th and King Drive. At that point, Officer A saw a subject, now known as Subject 1, walking southbound on 70th and King Drive and adjusting his waistband on his right side. Officer A saw Subject 1 adjusting his waistband and he thought that Subject 1 might have a gun on his person. Officer A told Officer B that they needed to “check out” Subject 1. Officer B curbed the vehicle and Officer A exited, announced his office, and told Subject 1 to step over to the vehicle. Subject 1 approached the vehicle but, as he got within arm’s length of Officer A, Subject 1 turned and ran. Subject 1 ran diagonally northeast across King Drive. Officer A pursued Subject 1 on foot. Officer A heard Officer B driving the police car behind him as he ran.

Officer A followed Subject 1 through a vacant lot on the east side of King Drive and into the alley between King Drive and Vernon. Subject 1 ran through another vacant lot onto Vernon. At about that time, Officer A almost fell and had to regain his balance. When Officer A regained his balance, he ran out to Vernon. Officer A saw Subject 1 standing on the sidewalk facing him. Subject 1 was pointing a gun at Officer A and discharged the weapon. Officer A stated that the first time he saw Subject 1 holding a gun was when Subject 1 discharged his weapon at Officer A. Officer A stated that he could not see the Subject 1’s weapon at that time, he could see only the muzzle flash. Officer A estimated that Subject 1 was about one and one half to two lots away from him. Officer A had drawn his weapon at some point during the foot chase and when Subject 1 fired at him, Officer A returned fire. Officer A stated that, at the time of the incident, he thought that Subject 1 fired 3 times and he fired 6 to 8 times. Officer A stated that he learned later that Subject 1 fired 5 times and that he fired 13 times. Officer A stopped firing his weapon when Subject 1 went to the ground, because he no longer perceived Subject 1 as a threat. Officer A continued to cover Subject 1 until Officer B arrived and Officer B placed Subject 1 in handcuffs. Officer A stated that Officer B used his radio to make a notification of the shooting and to summon an ambulance.

In a statement to the Independent Police Review Authority on 22 June 2010, **Officer B**, stated that he and his partner, Officer A, were assigned to the Area 2 gun team and were on patrol in the 3rd District between 63rd Street and 71st Street and Cottage Grove Avenue and South Chicago Avenue when a call of shots fired came over the radio. The officers saw Subject 1 on the sidewalk and Officer A said that they were going to conduct a field interview with Subject 1. Officer B stopped the car near Subject 1 and Officer A exited the vehicle to conduct the field interview. As Officer B was about to exit the vehicle, Officer A told him that Subject 1 was fleeing and began a foot pursuit. Officer B made a U-turn and did so in a way that closed the passenger side door. Officer B drove to the alley off of 70th Street and saw Officer A and Subject 1 run into the alley from a vacant lot. Officer B drove into the alley and chased Officer A and Subject 1. When Officer B pulled even with Officer A, they were about 10-15 feet from Subject 1. Subject 1 ran into a vacant lot then and Officer B drove to 69th Street then to Vernon Avenue. When Officer B got to Vernon Avenue, he saw Subject 1 on the sidewalk. About one second later, Subject 1 discharged a firearm to the south on Vernon. Officer A returned fire from about one city lot away. Officer B stated that Subject 1 fell when he was struck and that was in front of 6922 S. Vernon. Officer B estimated that he was at 6910 S. Vernon when Subject 1 fell. Officer B drove to where Subject 1 fell, exited the vehicle, and made sure that Officer A was okay. Officer A still had his weapon pointed at Subject 1 and Officer B handcuffed Subject 1,

then called for an ambulance for him. Officer B stated that Subject 1's weapon was on the ground on the east side of the sidewalk while Subject 1 was on the grass on the west side of the sidewalk.

A **Canvass** of the vicinity of the incident produced no additional witnesses or information.

Subject 1 refused to cooperate with the investigation. IPRA Investigator A attempted to interview Subject 1 at Cook County Jail on 04 August 2010 but he refused to provide a statement.

A **Warrant** issued in the state of Wisconsin reported that Subject 1 was known to carry a firearm.

Office of Emergency Management Communications (OEMC) Event Queries for the incident indicate six individuals called 911 stating they heard shots fired. No caller reported seeing the shooting or the shooter. Beat 42G71C called in shots fired by police and requested EMS to the scene.

Medical Records from Subject 1's treatment following the incident indicate that he was treated for gunshot wounds to the head and to the left flank. Subject 1 had a fracture to his left ileum, a right subdural hematoma, and a slight bowel resection.

Lab Reports from the **Illinois State Police Forensic Science Center** indicated that Subject 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 the procedure.

Lab Reports also indicate that Officer A's weapon was examined and found to be in working condition. Ten of the recovered fired casings were fired from Officer A's weapon. Lab reports also indicate that the weapon recovered near Subject 1 was examined and found to be in working condition. Five of the recovered fired casings were fired from Subject 1's weapon.

According to **Crime Scene Processing Reports (CSPR)** completed subsequent to the incident, Subject 1 was removed from the scene before Evidence Technicians arrived. The recovered weapon, a Glock model 19, was swabbed for DNA evidence. The CSPR also indicated that the Glock 19 had been reported stolen.

Evidence Technician photographs depict a recovered handgun and the scene of the incident. The photographs also depict Subject 1 in a hospital bed. Subject 1 has a large bandage around his head.

The **Arrest Report, Case Report, and Detective Supplementary Reports** completed relative to this incident provide an account of the incident that is consistent with the "Summary of Incident" section of this report. Officer A and Officer B both provided statements to detectives that were consistent with their statements to the Roundtable Panel and their statements

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to the Independent Police Review Authority. When he was initially interviewed by detectives, Subject 1 stated that he was selling cannabis to a man and a woman and that was all that he knew. Subject 1 denied any knowledge of a gun and denied any knowledge of the shooting. Subject 1 then provided a statement to an Assistant State's Attorney in which he stated that he went to 70th and King Drive to buy cannabis from a man and a woman. Subject 1 bought 5 bags of cannabis and gave the woman \$50. The man pulled out a gun and Subject 1 pushed him. The gun fell to the ground and Subject 1 picked it and the money up. The police pulled up in a maroon squad car and an officer exited the squad car and announced his office by saying "police". Subject 1 put the gun in the pocket of his pullover "hoody" and ran. The officers chased him, one on foot and one in the car, and Subject 1 saw that he was surrounded by the police. Subject 1 took the gun out of his pocket in order to throw it away and the gun went off more than two times. Subject 1 stated that he was shot after the gun went off. The detectives did not identify any witnesses to the incident during their canvass of the vicinity of the incident.

Officer A completed a **Tactical Response Report (TRR)** and an **Officer's Battery Report (OBR)** following the incident. In his TRR, Officer A described Subject 1 as an Assailant: Deadly Force in that he fled, placed Officer A in imminent threat of receiving a battery, attacked with a weapon and used force likely to cause death or great bodily harm. Officer A responded by using his firearm. In his OBR, Officer A indicated that he was shot at by an offender with a 9mm firearm and that he was not injured.

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A was 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 involved the infliction, threatened infliction, or threatened use of physical force like to cause death or great bodily harm;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

Officer A's actions were in accordance with both conditions of CPD's deadly force policy. The officers both saw Subject 1 holding his side, which they understood to be a sign that he may have had a weapon, as he fled from a field interview. The officers were responding to a call of "Man with a Gun/Shots Fired." Officer A lost sight of Subject 1 during the pursuit and when he saw Subject 1 again, Subject 1 pointed and discharged a weapon at Officer A. Officer A returned fire because Subject 1 had placed him in a position where his life was in danger.