

Independent Police Review Authority
Log #1039919/U #10-34

INVESTIGATION

NUMBER: Log # 1039919 / U #10-34

OFFICER #1

INVOLVED: “Officer A” (Chicago Police Officer); Female/Hispanic; 40 years old; On-duty; In Uniform; Year of Appointment – 2006

OFFICER #2

INVOLVED: “Officer B” (Chicago Police Officer); Male/Hispanic; 32 years old; On-duty; In Uniform; Year of Appointment – 2006

OFFICER #2

INJURIES: Perforated Eardrum

SUBJECT: “Subject 1”; Male/Black; 19 years old

SUBJECT’S INJURIES: Multiple gunshot wounds (**FATAL**).

INITIAL INCIDENT: A man on a CTA train was reported to be in possession of a gun.

DATE/TIME/ LOCATION: 18 Sep 10, 0150 hours
CTA Train – 220 W. Garfield Blvd. **Beat 934**

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SUMMARY OF INCIDENT:

On 18 September 2010 at approximately 0146 hours, Officer A and Officer B, assigned to Beat 934R, responded to a call of a man with a gun on the CTA train at 220 W. Garfield Blvd. The officers walked onto the train platform and were told by the conductor that the subject was a male black wearing a blue windbreaker with the word "Lifted" on the back. The officers searched the train cars until they observed a subject who matched the description given to them. Officer A and Officer B approached the subject, later identified as Subject 1, who was standing against the west door of the train, talking on a cell phone. Subject 1 turned away from the officers and Officer B attempted to grab his arm. Subject 1 pulled away and began to reach toward the waistband of his pants. Officer B reached around Subject 1 in an attempt to grab what he was reaching for. Officer A observed Subject 1 remove a semi-automatic weapon from his jacket and point it at her. Officer B drew his weapon and yelled for Subject 1 to drop the gun and he refused. Officer B, fearing for his life and his partner's life, fired his weapon, striking Subject 1. Subject 1 continued pointing his gun at Officer A. She then fired her weapon, also striking Subject 1. Subject 1 fell to the floor of the train car and his weapon fell to the floor as well. Subject 1 was transported to Stroger Hospital where he was pronounced dead.¹

¹ The information for the Summary of Incident was obtained from the Chicago Police Department's Case Supplementary Report. At the time of this incident, the Roundtable Panel was no longer being conducted and the IPRA had not yet implemented the post-shooting report that is completed after a police involved shooting. The post shooting report was implemented in August 2011.

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The **OEMC** transmissions reveal that beginning at 0138 hours, several people called 911 to report that they Witness 2 gunshots on the red line CTA train at Garfield Blvd. One caller reported that the police had shot a boy and “he was slowly dying.” Another caller reported that the police had shot a boy and “he was dying in handcuffs.” A female caller stated to 911, “I’m tired of the police killing motherfuckers!”

The Tactical Response Reports completed by Officer A and Officer B contained information that Subject 1 “did not follow verbal direction,” “pulled away,” “was an imminent threat of battery,” and that he had a weapon. Officer A and Officer B fired several rounds from their weapons at Subject 1 from a distance of between one and five feet away.

The Officer’s Battery Reports completed by Officer A and Officer B contain information that Subject 1 verbally threatened them and brandished a handgun.

The **medical record** documents that on 18 September 2010, at 0220 hours, Subject 1 was received in the Emergency Room at John Stroger Hospital via ambulance. A diagram in the report documents that Subject 1 sustained three gunshot wounds to the left side of his back, one gunshot wound to his left upper arm, and one gunshot wound to his front left thigh. Subject 1 was pronounced by the trauma team at 0231 hours.

Evidence Technician photographs and post-mortem photographs depict pictures of the scene, the CTA platform, a pool of blood on the floor of the train car, a cell phone and battery, other recovered evidence, and Subject 1’s body and Subject 1’s weapon.

A Postmortem Examination was performed on Subject 1 on 19 September 2010 by Doctor A. The examination revealed that Subject 1 sustained a total of five gunshot wounds. These wounds included gunshot wounds to the abdomen and left arm; two gunshot wounds to the left lower back; and a gunshot wound to the left thigh. Bullets or bullet fragments were recovered from Subject 1’s left arm, right abdomen, right lower chest, and from his left lower back. Subject 1’s death was caused by multiple gunshot wounds.

A Case Supplementary Report contains information that on 18 September 2010, CPD Detective 1 was assigned to an investigation of “Shots Fired by the Police at the CTA station for the Red Line at Garfield Boulevard. CPD Detective 1 spoke with CPD Captain 1 of the 009th District who related that Officer A and Officer B, assigned to Beat 934R, responded to a call of “Man With a Gun.” A description of the offender and his location was given by the conductor of the train. Officer A and Officer B searched the cars on the train and located a subject who matched the description given to them. The subject was talking on the phone. As the officers approached, the subject turned away from them. Officer B attempted to grab the subject’s arm, but the subject pulled away and began to reach toward the waistband of his pants. Officer B reached around the

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subject in an attempt to grab what he was reaching for. Officer A saw that the subject was removing a semi-automatic weapon from under his jacket. Officer A reached for the weapon and she and Officer B yelled for the subject to drop the weapon. The subject then pointed the weapon at Officer A. Officer B drew his weapon from its holster as he and Officer A continued to yell for the subject to drop his weapon. The subject refused and continued to point his weapon at Officer A. Fearing for his life and his partner's life, Officer B fired his weapon at the subject, striking him. Officer A also fired her weapon, striking the subject. The subject then fell to the floor of the train car. CFD was called and the subject was transported to Stroger Hospital.

CPD Detective 1 interviewed **Officer A and Officer B** who related the same account of the incident as already outlined in the "Summary of Incident" section of this report as well as the Case Supplementary Report. Additionally, Officer A and Officer B reported that they each fired three shots at the subject.

CPD Detective 1 interviewed train conductor, **CTA Train Conductor**, who related that he pulled into a stop at 47th Street and a passenger, who was exiting the train, told him that there was a man on the train with a gun. The passenger said the man was wearing a jacket with the word "Lifted" on the back. CTA Train Conductor headed toward the Garfield Boulevard stop and called CTA control. CTA Train Conductor was instructed to wait at the station. A few minutes later, police officers arrived and CTA Train Conductor directed them to go north on the platform. Approximately one minute later, CTA Train Conductor Witness 2 a series of shots and saw people running from the train onto the street.

CTA Supervisor was also interviewed. She related that she was on the same railcar as Subject 1 and was present when the incident occurred. Subject 1 was seated next to another unknown male on the train who was asleep. The unknown male woke and grabbed Subject 1 by his collar. Subject 1 got up, pulled out a silver or gray handgun from his waistband and told him, "I don't fuck with you like that!" Subject 1 walked to the back of the car and called someone on his cell phone. Subject 1 remained standing as the train approached the Garfield stop. The train conductor walked through the train car, then back to the front and announced that the train was waiting for the arrival of the police. A female approached Subject 1 and told him that he should get off the train. Subject 1 exited the train, but re-entered. A male and female uniformed officer entered the train and grabbed Subject 1's hands. CTA Supervisor got up to exit the train and then Witness 2 several shots. CTA Supervisor looked back and saw the female officer pointing her gun in Subject 1's direction. CTA Supervisor walked south on the platform and saw a gun on the floor of the railcar and Subject 1 lying face down on the floor. The male officer handcuffed Subject 1.

Witness 2 contacted the Detective Division and was interviewed by CPD Detective 2. Witness 2 related that he was on the same railcar as Subject 1. When the conductor announced that the train would wait at the Garfield Station for the police to arrive, Subject 1 began pacing back and forth. Subject 1 got off the train and then re-entered when another passenger pulled the emergency lever. A male officer got on the

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train and approached Subject 1 who was talking on his cell phone. The officer turned Subject 1 around and looked at the back of his jacket and then took his cell phone and hung it up. Subject 1 then struggled with the officer and a female officer attempting to assist with subduing Subject 1. Subject 1 said, "Fuck this shit" and pulled out a semi-automatic handgun from his waistband. Witness 2 saw the female officer fire her weapon and then handcuff Subject 1.

The Detectives' attempts to interview **Witness 3, Witness 4, and Witness 5**, who reported to the media that they witnessed the incident, were unsuccessful.

Witnesses **Witness 6 and Witness 7** said they were on the train and Witness 2 gunshots, but did not witness the actual shooting.

Witnesses **Witness 8 and Witness 9** refused to be interviewed by the Independent Police Review Authority.

In an interview with the IPRA, **CTA Train Conductor** related essentially the same account of the incident as already outlined in the Detective's Supplementary Report.

In an interview at the IPRA, **Witness 1** related that on the date and time in question, he was on the CTA Red Line train on his way to his girlfriend's house on the south side of Chicago. Once the train stopped at the Garfield Station, the conductor announced that they were awaiting the arrival of the police. Witness 1, who was standing near one of the exit doors of the crowded train, noticed a male black walking back and forth on the train "looking suspicious." Witness 1 described the male as 18-19 years old, wearing a blue and white leather jacket with a picture of an animal on the back, possibly a dragon. The subject, now known as Subject 1, exited the train. A few seconds later, another male black who was with him let Subject 1 re-enter the train. Subject 1 stood with his back against the exit door of the train directly across from Witness 1 and began talking on his cell phone. A male Hispanic, uniformed officer got on the train and approached Subject 1. The officer turned Subject 1 around and looked at the back of his jacket. Subject 1 pulled away and the officer pushed him against the door and tried to handcuff him. The officer took Subject 1's cell phone from him. Subject 1 struggled with the officer and a female Hispanic entered the train to assist the male officer. Subject 1 reached inside the left side of jacket while saying, "Fuck this" and pulled out a charcoal colored semi-automatic gun pointed down. Passengers on the train screamed and ran off the train. The female Hispanic officer stepped back and fired her weapon. Witness 1, who also exited the train, and stood on the platform, Witness 2 three shots. Witness 1 looked inside the window of the train and saw Subject 1 laying face down on the floor in a fetal position. The male Hispanic officer handcuffed Subject 1. Witness 1 said he did not see the male Hispanic officer with a gun in his hand.

Reports from the Illinois State Police (ISP), Division of Forensic Services contain information that Officer A and Officer B's Sig Sauer, 9 mm Luger, semi-automatic gun and Sig Sauer 45 semiautomatic gun was examined, test fired, and found

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to be in firing condition. Three bullets were fired from Officer A's 9 mm weapon and three bullets were fired from Officer B's .45 caliber weapon.

In a statement at the IPRA, Officer A related that on 18 September 2010, she was assigned to Beat 934R on the first watch and she was working with Officer B. They received a call of a man with a gun or knife on the fourth car of the CTA train at Garfield Boulevard. The subject was described as wearing a blue and white jacket with the word "Lifted" on the back. Officer A and Officer B approached a man who fit the description, with a cell phone up to his ear. Officer B took the cell phone and threw it on the floor and began to conduct a pat down. The subject, now known as Subject 1, kept one hand near his groin area and moved around as Officer B attempted to pat him down. Officer A reached in to grab his hand and Subject 1 was noncompliant. Subject 1 turned toward Officer A and she saw something silver in his hand. Officer A told Subject 1, "Drop the gun! Drop the gun!" Subject 1 then pointed the gun toward Officer A. Officer B was behind Subject 1 struggling with him trying to grab his hands. Officer A yelled, "It's a gun! It's a gun" and drew her weapon. Officer A then Witness 2 three or four shots and saw Officer B stand back. Subject 1 was still standing with his weapon pointed toward Officer A. Officer A then fired three shots from approximately five feet away, and Subject 1 fell to the floor and the gun fell out of his hand. Officer A picked up Subject 1's gun and handed it to another officer who arrived a few seconds later.

In a statement at the IPRA, Officer B related essentially the same version of the incident as Officer A. Additionally, Officer B said as he stood behind Subject 1 struggling with him to take control of his hands, he held his gun at the small of Subject 1's back and fired three shots at point blank range once Officer A confirmed that Subject 1 did in fact have a gun. Officer B said he felt that Subject 1 would shoot Officer A. Officer B stood back and then Witness 2 a shot and saw Subject 1 collapse to the floor. Officer B reported the incident over the radio and then handcuffed Subject 1. Officer B said there were several people on the train car and they immediately exited the train. Officer B reported that he went to the hospital and was diagnosed with a perforated eardrum.

CONCLUSION AND FINDING:

The evidence garnered in this investigation found that the use of deadly force 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 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 likely to cause death or great bodily harm;
 - b. has attempted to escape by use of a deadly weapon or;
 - c. otherwise indicated that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

Officer A's and Officer B's actions were in accordance with both conditions of the Chicago Police Department's policy regarding the use of deadly force. Officer A and Officer B responded to a call of "Man With a Gun" on a CTA Red Line train. Once they approached a subject matching the description given, Officer B attempted to conduct a preliminary investigation. The subject, Subject 1, initially was an active resistor and noncompliant with Officer B's verbal direction. Subject 1 then became an assailant with a high likelihood of causing great bodily harm or death when he pulled a semi-automatic weapon from underneath his jacket. Officer A saw the gun and ordered Subject 1 to "Drop the gun!" Subject 1 failed to comply and continued to draw his gun. Once Officer B confirmed with Officer A that Subject 1 did in fact have a weapon, he discharged his weapon three times from behind Subject 1 from close contact range. Subject 1 did not immediately fall and Officer A, in fear for her life, Officer B's life, and the lives of the passengers on the train, stepped back and discharged her weapon three times, striking Subject 1 twice.

Although medical attention was sought immediately, Subject 1 expired as a result of his injuries.

Evidence Technician photographs documented the scene and the gunshot wounds to Subject 1. The photographs are consistent with the information that Officer A and Officer B related in their statements.