

**INDEPENDENT POLICE REVIEW AUTHORITY
LOG #1041681/U#10-042**

INVESTIGATION

NUMBER: Log #1041681/U #10-042

OFFICER

INVOLVED: "Officer A" (Chicago Police Officer); Male/Black; 31 years old;
On Duty; In Uniform; Year of Appointment 2004

OFFICERS

INJURIES: Non-Fatal-Minor injury (Bruises/swelling/minor abrasions).

VICTIM/

OFFENDER: "Subject 1"; Male/Black; 23 years

VICTIM/

OFFENDER'S

INJURIES: One gunshot wound to the chest (through-and-through)-Fatal.

INITIAL

INCIDENT: Traffic Stop

DATE/ TIME/

LOCATION: 24 November 2010, 0123 hours, at 5256 W. Kamerling Ave.
BEAT #2532

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SUMMARY OF INCIDENT:

On 24 November 2010, at approximately 0123 hours, Beat 4470B Officer A and Officer B in a marked squad car attempted to pull over a van, which was traveling northbound on north Lockwood Ave. The driver of the van refused to stop and the officers observed objects being thrown from the van as it continued to drive. The van turned eastbound onto west Kamerling Ave, northbound onto Latrobe Ave, westbound onto west Hirsch St. and then southbound into the east alley of North Lockwood Ave. Officers A and B continued to follow the van.

The van exited the alley and turned westbound onto west Kamerling Ave. As the van made its turn, the passenger's side of the van swiped the driver's side of a parked vehicle. The van then came to a stop, and the officers observed 6-8 people exiting the van. Officer A approached the passenger's side of the van and observed a black male subject, now known as Subject 1, coming toward him. Subject 1 lunged at Officer A, grabbed his legs, punched him in the knee, and attempted to tackle Officer A to the ground. With his left hand, Subject 1 then attempted to grab Officer A's holster. Officer A, after gaining control, drew his firearm, and fired three shots at Subject 1.

Meanwhile, Officer B, who was at the driver's side of the van, observed a male coming toward him. Officer B backed up and fired two rounds at the male, who then turned and fled on foot. Hearing the gunshots that were fired by Officer A, Officer B went to check on Officer A, who was still at the passenger side of the van. Upon learning that Officer A was not shot, Officer B got back into his squad car and chased the remaining occupants of the van, who all fled on foot. Officer A stayed at the scene. Eventually, approximately five individuals believed to have been inside the van at the time of the incident, were apprehended. Additional officers responded to the scene and Officers A and B were transported to a hospital. Subject 1 was pronounced dead at 0204 hours at Mount Sinai Hospital.

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In statements to IPRA on 24 November 2010 and 08 December 2010, **Witness 1** stated that on 24 November 2010 she was at home located at XXXX W. Kamerling Ave looking out of her bedroom window when she observed a police vehicle pull over a van across the street from her house at 5256 W. Kamerling Ave. Witness 1 stated that she believed the officers ordered the van to stop and pull over using the speaker in their vehicle. The squad car stopped behind the van in the middle of the street.¹ When the van stopped, two officers exited the squad car.² Witness 1 could clearly see the driver officer of the squad car and could see the passenger officer partially. Witness 1 stated that the driver officer did not have a gun in his hand when he exited the squad car. The officers approached the van from the driver's side and five to six black males exited the van and began running west on Kamerling Ave³. The driver of the van is the only individual that exited the van through the driver's side the other individuals exited the van through the passenger side. Witness 1 stated that the driver of the van ran in front of the van headed towards Lockwood Ave. Witness 1 stated that she could only see the heads of the other individuals that ran from the van. The driver officer then "opened fire"⁴ and Witness 1 heard approximately five to six "shots."⁵ Witness 1 dropped to the floor. Witness 1 stated that she really did not pay attention to the passenger officer because she was focused on the driver officer whom she could see well from her window. Witness 1 then recanted and stated that the passenger officer was also shooting at the males that were inside the van and that she could see both the driver and passenger officer before and during the shooting. Witness 1 stated that the driver officer shot first, and then the passenger officer followed. Witness 1 stated that she did not see any of the males that were in the van run towards either officer. Witness 1 stated that she never saw the driver officer go to the passenger side of the van where his partner was. Witness 1 believes that the passenger officer ran after the individuals in the van because when she stood back up from her window, he was running back to his partner from Lockwood Ave. The driver officer was walking around back and forth.⁶ She exited her house and saw a male on the ground on the sidewalk of an apartment building at 5256 W. Kamerling Ave. Witness 1 did not see the male when he was shot but she assumes he was shot when he exited the van. Witness 1 assumes the passenger officer shot at the male because he was on the passenger side of the van. A short time later, numerous officers and an ambulance arrived to the scene.

In a statement to IPRA on 11 August 2011, **Witness 2** stated that on 24 November 2010 he and his friends were celebrating one their friends birthday. Witness 2 indicated they were drinking alcohol (Tangueray) inside of his friend's ("Nickname" he did not

¹ Squad car was approximately 15 feet behind the van.

² Witness 1 identified the officers as two white uniformed males, "low" haircuts

³ Witness 1 could not identify any of the males inside the van.

⁴ Pgs. 2, line, 24, pg. 5, line 24

⁵ Witness 1 later changed her account and stated that the driver officer was a "car length," which as in front of the squad car when he shot at the individuals that were inside the van.

⁶ The investigation revealed that Witness 1 confused the driver and passenger officer. Officer A, the passenger officer, discharged his weapon at Subject 1 and Officer B, the driver officer, shot at the driver of the van and ran after the individuals inside the van.

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know his real name)⁷ van. Witness 2 related that as they were riding around, one of his friends exited the van to use the bathroom. At this time, the police pulled up behind them. Witness 2 informed “Nickname” to pull over, but he didn’t and drove off. The officers pursued them and activated their sirens, as “Nickname” drove in the wrong direction on a one-way street.

Witness 2 stated that at one point during the pursuit, everyone inside exited the vehicle and began running. Witness 2 never exited the vehicle. Witness 2 believed that “Nickname” was the last person to exit the vehicle. As everybody is exiting the vehicle, Witness 2 heard several gunshots right outside of the van. Witness 2 then heard “Nickname” say, “Officer, you just shot me” and then fell to the ground. Witness 2 remained inside of the van and the officers did not know he was inside of the vehicle. Witness 2 attempted to call his fiancé on his cell phone, during which time the officers observed him inside of the van and he immediately dropped his phone. The officers had their weapons out and pointed at Witness 2 and they ordered him to get down.

Witness 2 complied, during which time he observed “Nickname” lying on the ground with his eyes closed. The officers began searching the area with canine dogs. The officers never found anything and Witness 2 and his friends were taken to the police station for further questioning.

The **canvass** conducted in the vicinity of 5256 W. Kamerling Ave produced one Witness 1, previously summarized.

The related **Department Reports, including Arrest Reports of Subject 2, Subject 3, Original Case Incident Report, Tactical Response Reports (TRR), and Officer’s Battery Report**, include an account of the incident that is consistent with the summary of the incident. The arrest reports indicate that they were arrested for resisting arrest by Officer C and Office D. The narrative section indicates that Subject 2 and Subject 3 were arrested on signed complaints after the arresting officers observed them crossing a crime scene tape and after directed to leave the area and refusing to leave the area. The incident and supplementary reports related the same information as in the arrest report.

Officer A’s TRR indicates that Subject 1 was an “Assailant: Battery” that charged/struck Officer A and attempted to disarm him. Officer A responded by pivoting away and discharging his firearm at Subject 1. Officer A sustained minor injuries from the incident.

Officer B’s TRR indicates that an unknown offender who fled from the scene was an “imminent threat of battery,” and Officer B responded with discharging his firearm. Officer B sustained minor injuries from the incident.

The **Case Supplementary Reports** indicates that detectives responded to the location of incident at 5256 W. Kamerling Ave. The reports essentially reiterate the same

⁷ The investigation revealed that “Nickname” is Subject 1.

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account of the incident as in the Summary of Incident section. The Case Supplementary Reports added that the detectives were unable to identify the unknown black male that committed an Aggravated Assault to Officer B.

On 27 November 2010, CPD Detective 1 and CPD Detective 2 interviewed Subject 4. Subject 4 stated that on 24 November 2010, it was his birthday and Subject 1 picked him up on the evening of 23 November 2010. Subject 4 stated that Subject 1 was driving a black colored van. Subject 3 was in the front passenger seat and [Alleged Passenger # 2] was in the rear passenger behind Subject 3. Subject 4 related to the detectives that they went to a liquor store near North Ave and Central to buy some liquor. While inside the liquor store purchasing a large bottle of Tanqueray Gin, they met with another friend, Witness 2 who got into the van with the others. Witness 2 was seated in the rear seat behind Subject 1. They drove around for a while and on Lockwood Ave. Subject 3 got out of the van. Subject 4 did not know why Subject 3 got out of the van. The police pulled up behind Subject 1's van and Subject 1 sped off. In the east alley of Lockwood Ave. near Kamerling Ave, Subject 4 threw the gin bottle out of the window. When Subject 1 approached Lockwood Ave., he struck a parked vehicle. Subject 4 immediately fled from the van northbound on Lockwood Ave. Subject 4 related that while he was running, he heard numerous gunshots, but never turned around to see what was happening. Subject 4 ran northbound to Lockwood Ave. west to Hirsch, and north on Lorel and hid in a gangway. Subject 4 later learned from an unknown person who called his cell phone that the police shot Subject 1. Subject 4 later when to Mount Sinai Hospital and learned that Subject 1 was dead.

On 30 November 2010, at 1130 hours, CPD Detective 3 interviewed [Alleged Passenger], another passenger inside Subject 1's van prior to the police shooting. [Alleged Passenger] related that he did not have any knowledge of the above incident and he was not an occupant of the van.

The **Evidence Technician (E.T.) photographs** depict pictures of the scene, recovered evidence, Subject 1's body, and clothing, and photographs of Officers A and B.

The **Chicago Fire Department (CFD) Ambulance Report** indicates that a John Doe⁸ patient was found to be in traumatic arrest caused by gunshot. The patient had one entrance wound to the right side and one exit wound to the left side. The patient never responded to treatment.

The **OEMC Event Query, tape transmission, and telephone conversation with 911 callers report** indicates that shots were fired at and by the police by Beat 4470D at 5256 W. Kamerling Ave. Six males jumped out of a van and ran from 5256 W. Kamerling Ave north between Lockwood Ave and Latrobe Ave. The offenders tried to disarm two police officers and one offender was placed in custody. Numerous officers responded to the scene of incident.

⁸ The investigation revealed that John Doe is Subject 1.

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Several citizens called the police regarding the police shooting. Some of the callers stated that they heard gunshots outside their homes and when they looked outside their windows, they saw police officers and male lying on the ground. The callers did not witness the police shooting. An ambulance was summoned to the location of incident and transported Subject 1 to Mount Sinai Hospital.

Reports from the **Illinois State Police (ISP), Division of Forensic Services**, indicate that a black jacket was examined and there was no blood found. The GSR kit was not examined. Subject 1's fingerprints were compared to Officer A's firearm and no latent impressions suitable for comparison. Officer B's weapon, a Sig Sauer, model P226, 9mm Luger, semi-automatic pistol, serial #U 568 401, was examined, found to be in firing condition and test fired. Officer A's weapon, a Glock, model 21, 45 Auto, semi-automatic pistol, serial #NEN763, was examined, found to be in firing condition and test fired.

A report from the **Office of the Medical Examiner County of Cook, Illinois, Postmortem Examination**, indicates that an autopsy was performed on Subject 1 on 24 November 2010 by Doctor A. The examination revealed a gunshot wound to the left anterior axillary area. There is an entrance wound of a gunshot over the right side of the chest and several scars noted over the upper quadrant of the abdomen. Subject 1's hands are covered with gloves and show evidence of fingerprint ink. Lividity is noted over the back.

Subject 1's clothing consisted of one leather coat, which appeared to be a navy blue with a red trim, a brown hooded sweatshirt, a Seattle Seahawks jersey, a pair of blue jeans and belt, a pair of plaid boxer shorts, one pair of white socks and one pair of shoes. Doctor A identified tears on the jacket, which appear to be related to the gunshot wound entrance. The report indicates that Subject 1's cause of death was a gunshot wound to the chest and the manner was homicide.

The **medical examiner's photographs** depict Subject 1's body during the postmortem examination.

A **Breathalyzer Test** taken on 24 November 2010, at 0600 hours, revealed that **Officer B** blood alcohol count (B.A.C) was .000. At 0605 hours, Officer B submitted to urine specimen test, which revealed negative results.

A **Breathalyzer Test** taken on 24 November 2010, at 0635 hours, revealed that **Officer A** blood alcohol count (B.A.C) was .000. At 0710 hours, Officer A submitted to urine specimen test, which revealed negative results.

In a statement to IPRA on 13 December 2011, **Involved Officer A** stated that on 24 November 2010 he was working with Officer B assigned to Beat 4470D. Officer B was the driver of the squad car and Officer A was the passenger. While driving, Officer A stated that they observed a black male flee from a van at Lockwood Ave. and Kamerling Ave. The van then made a right turn going eastbound on Kamerling Ave. The officers

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followed the van with their emergency lights activated through different streets until it came to a stop at 5256 W. Kamerling Ave. Officer A stated that prior to the van coming to a stop, the occupants inside the van threw out a green colored bottle of alcoholic beverage outside the window. Another beat car containing Officers E and F, who were following Officers A and B, collected the bottle from the ground. Officer A stated that Officer B stopped the squad car behind the van, within five feet. Officers A and B exited the squad car, Officer B began to approach the van on the driver's side, and Officer A approached the van on the passenger side. Officer A stated that when he stepped onto the curb on the passenger side of the van, he observed approximately six to eight individuals already out of the van. The individuals were "scrambling" looking for somewhere to run. Officer A could not clearly see the individuals' faces.

Officer A stated that two of the individuals ran towards him and another individual, (Subject 1) who he did not see approach, attempted to tackle Officer A to the ground. Officer A instructs Subject 1 to "Get back" and Subject 1 grabbed Officer A's leg with his arm and struck Officer A in right knee. Subject 1 then grabbed Officer A's holster with his left hand and began to tug on it. Officer A pivoted back after being struck in the knee, drew his firearm⁹ and shot at Subject 1 three times in rapid succession. Subject 1 went down to the ground and the two other individuals that were running towards Officer A, turned the opposite direction and ran away westbound on Kamerling Ave. Officer A stated that Subject 1 looked up at him and stated, "You shot me."

According to Officer A, Officer B who was on the driver's side of the van fired his weapon after Officer A discharged his. Officer A stated that he does not know what occurred that caused Officer B to discharge his weapon twice. Officer A composed himself, called for police assistance, and made notifications to the Department via the police radio. Officer B approached Officer A and asked him if he was okay. Officer B then ran off to locate the males that were inside the van.

After the police shooting, Officer A found an individual, now known as, Witness 2 inside the van. Witness 2 was escorted out of the van, handcuffed, and transported to the police station. Witness 2 stated that he did not do anything wrong.

Officer A learned from Officer B that Officer B had shot at an individual who ran across the van who pulled out a weapon from his waistband and pointed it at Officer B. Officer B did not strike the individual that he shot at.

Furthermore, Officer A stated that he sustained a "deep bone bruise" to his right knee. Officer A underwent physical therapy and injections to his knee. Officer A obtained medical care after the incident at the University of Illinois at Chicago.

In a statement to IPRA on 20 January 2012, **Involved Officer B** related that on 24 November 2010 he was working with Officer B. Officer A was the driver of the squad car. While driving, Officer B stated that at Lockwood Ave. he observed a black male

⁹ Blue Steel Glock 21.

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standing outside a van that was double-parked talking to the occupants of the van¹⁰. When the male saw them, he ran towards the gangway. The van drove off and Officer B followed with his emergency lights activated. The van drove eastbound on Kamerling Ave and about Kamerling Ave and Latrobe Ave, things began to be thrown out of the van. Officers A and B contacted Officers E and F, who were in their squad car behind Officers A and B to retrieve the items that were thrown from the van. Officer B stated that the van came to a stop at 5256 W. Kamerling Ave. Officers A and B exited the squad car, Officer B proceeded to the driver's side of the van and Officer A proceeded to the passenger side of the van. Officer B stated that he heard movement inside the van. Officer B stated that he heard Officer A yell from the passenger side of the van, "Get back" and then he heard three gunshots.

Officer B stated that he began to walk to the rear of the van to go around the van to check up on Officer A. Officer B stated that he observed a black male running across the front of the van from the passenger side of the van. Officer B assumed the male was inside the van. Officer B ran toward the male at which point, the male pulled out a blue steel handgun and pointed it at Officer B and Officer B fired his weapon twice. Officer B stated that he was over 15 feet away from the unidentified male. Officer B believed that the male stumbled and fell to the ground. Officer B then proceeded to check on Officer A. Officer B stated that at that time he did not approach the male he shot at because he was more concerned for Officer A. Officer B stated that Officer A was standing next to Subject 1 who was on the ground. Officer B stated that he saw individuals running down Lockwood Ave. towards Hirsch St. and he did not see anyone on the ground in front of the van. Officer B got in the squad and drove in the direction the males ran. While driving on Hirsch Street Officer B saw a black male duck in the alley. Officer B reversed the car and drove into the alley. He then exited the car and withdrew with firearm. The male told Officer B that he did not do anything. Officer B handcuffed the individual, placed him inside the squad car, and drove him back to the location of incident.¹¹ Officer B stated that other officers removed the male from Officer B's squad car and put him in another squad car. Officer B stated that he was not present at the scene when Officer A found Witness 2 inside the van. Furthermore, Officer B stated that he did not sustain any injuries from the incident.

Medical Records from the University of Illinois Medical Center indicates that Officer A received medical care on 24 November 2010 at approximately 0240 hours. The hospital notes indicate that Officer A informed hospital staff that while on-duty an individual stuck him [Officer A] on the right knee with his head. Officer A was diagnosed with a right knee contusion.

Medical Records from the Center for Athletic Medicine indicates that an MRI of Officer A's right knee resulted in a focal bone contusion to his right knee, which required physical therapy.¹²

¹⁰ Officer B does not know the exact location.

¹¹ Officer B stated that he does not recall asking the male for his name.

¹² 27 physical therapy sessions beginning 31 December 2010 to 02 March 2011.

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CONCLUSION AND FINDING:

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 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 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 actions were in accordance with both the conditions of CPD's policy. Officer A instructed Subject 1 to stay away from him but Subject 1 refused and attempted to tackle and disarm Officer A. Officer A, in fear for his life, discharged his firearm three times striking Subject 1 in the chest. As a result of the incident, Officer A sustained injuries to his right knee that is required physical therapy. Therefore, based on the totality of the circumstances, Officer A was reasonably in fear of his life and fired at Subject 1 to prevent death or great bodily harm.