

INDEPENDENT POLICE REVIEW AUTHORITY  
LOG#1041893 /U#10-43

**INVESTIGATION**

**NUMBER:** LOG #1041893 / U#10-43

**ACCUSED**

**OFFICER:** “Officer A” (Chicago Police Officer); Female/Black; 32 years old;  
On- Duty; Civilian Dress; Year of Appointment – 2007

**ACCUSED’S**

**INJURIES:** Anxious and distraught (shock).

**OFFICER**

**INVOLVED:** “Officer B” (Chicago Police Officer); Male/Black; 33 years old;  
On- Duty; Civilian Dress; Year of Appointment – 2005

**OFFICER**

**INJURIES:** None reported.

**SUBJECT:** “Subject 1”; Male/Black; 30 years old

**SUBJECT’S**

**INJURIES:** One gunshot wound to the chest (fatal).

**SUBJECT:** “Subject 2”; Male/Black; 35 years old

**SUBJECT’S**

**INJURIES:** None reported.

**SUBJECT:** “Subject 3”; Male/Black; 29 years old

**SUBJECT’S**

**INJURIES:** None reported.

**INITIAL**

**INCIDENT:** Investigation of Suspicious Vehicle.

**DATE/TIME/  
LOCATION OF**

**INCIDENT:** 04 DEC 2010, 2031 hours, 8139 S. Ashland Avenue (outside).  
Beat 614.

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**SUMMARY OF INCIDENT:**

On 04 December 2010, at 2031 hours, Chicago Police Officers A and B conducted surveillance from the west alley of 81<sup>st</sup> Street and South Ashland Avenue of Subject 1 and Subject 2 as they sat in a parked reddish-colored minivan with its engine running at 8139 S. Ashland Avenue. Officers A and B then observed Subject 3 park his vehicle in front of the van, exit his vehicle, and get into the back of the van.

Officers A and B drove their unmarked Chevy Tahoe from the alley and onto a northbound lane on Ashland Avenue to conduct further investigation of the van. Officer B drove alongside the van as Officer A flashed a spotlight into it, observing Subject 2 sitting in the driver's seat and Subject 1 in the front passenger seat. Officer B parked alongside the van and Officer A exited the truck and walked towards the van ordering its occupants to show their hands.

Officer B exited the truck and also ordered the van's occupants to show their hands. Officer B walked to the van's driver side as Officer A ran around the back of the van to secure its passenger side. Officer A was at the back passenger side of the van as Subject 1 stood near the front passenger door with his back towards her. Officer A ordered Subject 1 to show his hands. Subject 1 turned around and Officer A discharged her weapon once, striking Subject 1 in the chest. Subject 1 was pronounced dead at the scene. Subject 2 and Subject 3 were taken into custody. Subject 2 was charged with Cannabis, and Subject 3 was released without being charged. Money and narcotics were recovered at the scene and Subject 1's family filed a civil suit. No weapon was recovered at the scene.

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**INVESTIGATION:**

In a statement to IPRA, **Witness Subject 3** stated that he was sitting in his silver-colored two-door 2008 Pontiac G-5 in the 8100 block of South Ashland Avenue when he called his friend Hank, now known as Subject 2, to tell him about a party. Hank drove a maroon minivan and parked behind Subject 3's Pontiac. Subject 3 exited his car and got into the back driver's side of Subject 2's van. Another unknown male, now known as Subject 1, sat in the front passenger seat of the van. The three men talked for about three minutes before a police Tahoe pulled alongside the van.

The male and female plainclothes officers, now known as Officers A and B, exited the Tahoe with their guns drawn and told the men to freeze and to put their hands up. Officer B stood near the front of the van with his gun drawn and flashed a light inside the van as Officer A stood at the passenger side of the van. Subject 3 heard Officer A say, "Freeze, hands up," but could not see what she was doing, because he had his hands up, and was focused on Officer B.<sup>1</sup> Subject 3 stated that Subject 2 complied but he did not know if Subject 1 did as he could not see him. Subject 3 stated that he did not hear Subject 1 say anything before the shooting but he knew that Subject 1's door was open and that Subject 1 may have been half-way inside the doorway when he was shot. Officer B went to the passenger side of the van when Officer A shot Subject 1. Subject 3 added that he did not know anything about the narcotics that were found inside of the van nor did he observe anything in Subject 2's hands as he held them up. Subject 3 added that he and Subject 2 were taken into custody and were not injured during the incident.

Subject 2 did not provide a statement to IPRA.

The **Department Reports** related to **HS-646280** (Aggravated Assault) documented an account of the incident that is consistent with the Summary of Incident section of this report.

The **Department Reports** related to **HS-678506** (Justifiable Homicide) also provided an account consistent with the Summary of Incident section of this report and documented the Department's investigation. The officers and witnesses Subject 2 and Subject 3 were interviewed.<sup>2</sup> The officers' descriptions of the incident were consistent with the Summary of Incident and their statements to IPRA.

Subject 2 provided conflicting accounts of the incident to detectives. Subject 2 provided different explanations about how he met with Subject 1 and Subject 3 and their resulting assembly in his van. Subject 2 eventually related that he, Subject 1 and Subject 3 were sitting in his van when Officers A and B pulled up and shined a light into it. According to Subject 2, Officer A ran to the passenger side of the van because Subject 1 exited and was attempting to run. Subject 2 said that he heard an order given for hands to be shown and then a gunshot; during other statements to the detectives, Subject 2 denied that the officers told them to put their hands up prior to the shooting. The detectives

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<sup>1</sup> Att. 73, p. 16, lines 14-15.

<sup>2</sup> Subject 2 did not provide a statement to IPRA.

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noted other details of Subject 2's account that were inconsistent with evidence. Subject 2 admitted to smoking at least \$300 worth of weed on the day of the incident but denied having knowledge of the narcotics in the van.<sup>3</sup>

Subject 3, stated that he, Subject 2 and Subject 1 were sitting in Subject 2's van when Officers A and B pulled up and shined a spotlight into it. Officer A told them to show their hands and he complied. Officer A ran to the rear of the van and then to its passenger side as Officer B approached its driver's side. Subject 3 said that the officers kept telling them to show their hands but Subject 1 got out of the van "as if he was going to run." Subject 3 said that he heard an officer say "Get your hands up" several times before he heard a gun shot. Subject 3 denied that he was there to purchase drugs from Subject 2 or anyone else.

A **canvass** was conducted and Chicago Fire Department Captain A was identified as a possible witness to the shooting. Chicago Fire Department Captain A did not witness the shooting and the canvass produced no additional witnesses.

The **Office of Emergency Management and Communications Event Queries (PCAD)** and **OEMC Recordings** of relevant transmissions made by Officers A and B, and Department Personnel, provided information consistent with the Summary of Incident, including the reporting of shots fired and the request for an ambulance.

The **Medical Examiners Report** ruled Subject 1's death a homicide that was caused by a gunshot wound to the chest. **Medical Examiner's Photos** documented Subject 1's body, including the gunshot wound to his chest.

The **Evidence Technician Photographs/Video** captured the scene of the incident, including: the location of the involved CPD Tahoe truck and Subject 2's van; Subject 3's parked car; and the recovered shell casing, narcotics and money. The photographs further showed Subject 1's body at the scene, along with a clear plastic bag containing a green plant-like substance lying near him.<sup>4</sup>

The **Inventory Reports** documented that three cell phones, \$834 in currency and ten plastic bags containing over 185 small baggies filled with a green plant-like substance (suspect narcotics) were among the items recovered at the scene.

The **Illinois State Police Leica Scan** depicted a drawing of the scene of the shooting.

There were no POD or In-Car videos of the shooting.<sup>5</sup>

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<sup>3</sup> Subject 2 was charged with possession of cannabis, but the charge was later dismissed.

<sup>5</sup> Although the in-car video search reported that there was footage for Beat 633, IPRA did not receive this video footage and did not request it as PCAD reported that Beat 633 did not arrive at the scene until 14 minutes after the shooting.

The **Big Pawn surveillance video** did not capture the shooting.

In a statement to IPRA, **Witness Officer B** related that he and his partner, Officer A, conducted surveillance from the west alley of Ashland Avenue of a van parked in the 8100 block of South Ashland Avenue. Officer B stated that as the two individuals, now known as Subject 1 and Subject 2, sat in the van, a black male, now known as Subject 3, walked to the van's driver side, opened the sliding door and got inside. Officer B backed his unmarked Tahoe out of the alley and drove to the van to conduct further surveillance.

Officer A flashed a spotlight into the van and told Officer B, "He got money in his hand" as he drove alongside it.<sup>6</sup> Officer B parked on the side of the van; Officer A exited the truck and ordered its occupants to show their hands. Officer B then activated the truck's lights, exited the truck and went and stood beside Officer A as she stood between the police truck and the van. Officer B shined his flashlight into the van's tinted windows as he and Officer A continued ordering the van's occupants to show their hands. Officer A went around the back of the van to its passenger side. Officer B related that the van made "a rocking motion"; he grabbed at the locked sliding door when he saw the silhouettes of Subject 3 and Subject 2 make movements.<sup>7</sup> At the same time, Officer B heard Officer A tell Subject 1, "Let me see your hands."<sup>8</sup> Officer B stated that before he could move to the driver's side window to see inside the van, he heard one gun shot. He looked through the van's windows and observed Officer A's, "head drop down," and thought she was shot.<sup>9</sup>

Officer B unholstered his weapon and ran to the back of the van where he observed the van's front passenger door open, and Subject 1 laying on his chest; Officer A was kneeling down and, "doing something with her hands."<sup>10</sup> Officer B asked Officer A if was she alright, and she affirmed. He then told Officer A to handcuff Subject 1, but he did not know if she did as he shifted his attention to Subject 2 and Subject 3. Officer B flashed his light on them and held them at gunpoint. Subject 2 ignored Officer B's orders to show his hands and continued to grab money from his lap while stating, "Y'all get down like that—Y'all get down like that."<sup>11</sup> Officer B called for backup and an ambulance. Several moments later, backup officers arrived and took Subject 2 and Subject 3 into custody.

In a statement to IPRA, **Accused Officer A** stated that on the night of the shooting, she and her partner, Officer B, were driving in the west alley of the 8100 block of South Ashland Avenue. They observed a red minivan with its lights on, parked on the eastside of Ashland Avenue. Officers A and B watched the van and observed a black male, now known as Subject 3, walk to the van and enter the rear driver's side door. Officer B reversed out of the alley and drove onto Ashland Avenue to further investigate.

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<sup>6</sup> Transcript of Officer B, Att. 65, p.10, line 23.

<sup>7</sup> *Id.* at p. 12, line 13.

<sup>8</sup> *Id.* at p. 14, lines 16-17.

<sup>9</sup> *Id.* at p.16, line 21.

<sup>10</sup> *Id.* at p. 17, line 28-p. 18, line 1.

<sup>11</sup> *Id.* at p. lines 24-p.16, line 1.

Officer A turned on her spot light and aimed it at the van as Officer B drove past it. Officer A observed the driver, now known as Subject 2, with a large sum of money in his hands and the front passenger, now known as Subject 1, looking down. Officer A told Officer B what she observed and exited the truck, ordering the van's occupants, "Let me see your hands," as she held her hands up to demonstrate.<sup>12</sup> Officer A gave the order again as she observed Subject 1 making movements towards Subject 2. Officer A said she could not see Subject 1's hands so she repeatedly ordered him to show his hands.

Officer B activated the police truck's lights, exited the truck and stood near Officer A at the van's driver's side. At that time, Officer A observed Subject 1 shift his body towards the passenger side door as his hands were, "covering something."<sup>13</sup> Officer A did not see the front part of Subject 1's body and did not see his hands so she ran around the back of the van to get to the passenger side. Officer A unholstered her gun as she ran.

When Officer A reached the back of the van, about five-to-ten feet from the front passenger door, she observed the front passenger side door open and Subject 1 peeking his head out at her. Officer A stopped and Subject 1 said, "Fuck that, fuck," as he quickly jumped out of the van with his back to her.<sup>14</sup> Officer A told Subject 1 to show his hands. Officer A explained, "He turns – as he's turning towards me, I observe his hand coming from within his garment with the object, a dark object. As he's turning towards me quickly, his hand is coming out quickly with this dark object. I immediately fire a shot."<sup>15</sup> Subject 1 stood for a moment and Officer A again ordered him to show his hands as she got closer to him. Officer A stated that she observed something fall to the ground and Subject 1 dropped to his knees. Officer A got on her knees as well and Subject 1 laid face down on the ground with his hands in front of his body. Officer A pulled Subject 1's hands in front of him. She then heard Officer B state, "Shots fired — shots fired."<sup>16</sup> Officer A then radioed for an ambulance and told Subject 1 that help was on the way.<sup>17</sup>

Officer B told Officer A to handcuff Subject 1, but she stood up with her handcuffs in her hands and directed her attention to Subject 2 and Subject 3. Officer B called for backup, and when they arrived, Officer A kneeled back down with Subject 1. One of the backup officers walked her to a car. Officer A related that she later learned that the dark object she observed in Subject 1's hand was narcotics. She further added that she was in shock and afraid for her and Officer B's safety at the time of the incident.

In a subsequent interview, Officer A stated that at the time she discharged her weapon, she was afraid that Subject 1 was going to seriously injure her and Officer B by shooting at them. She stated that she believed the dark object that she observed in Subject

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<sup>12</sup> Transcript of Officer A, Att. 64, p. 13, lines 1-8.

<sup>13</sup> *Id.* at p. 16, lines 11-15.

<sup>14</sup> *Id.* at p. 26, lines 6-9.

<sup>15</sup> *Id.* at p. 18, lines 2-6.

<sup>16</sup> *Id.* at p. 21 line 24.

<sup>17</sup> Drug and Alcohol testing revealed that Officer Williams was not under the influence of alcohol or any controlled substance at the time of the shooting.

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1's hand was a gun. Officer A explained that Subject 1's failure to respond to her commands, his body movements, and their being in a high crime area with recent shootings and gang conflict, led to her believe that he would harm her. She explained, "So, his actions led to my actions," and, "he put me in that position."<sup>18</sup>

The applicable portions of the Chicago Police Department's **Deadly Force** policy, General Order No. 02-08-03, III, are as follows:

- 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 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 or;
    - b. is attempting to escape by use of a deadly weapon or;
    - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

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<sup>18</sup> Second Transcript of Officer A, Att.92, p. 8, lines 1-4.

**CONCLUSION:**

At issue is whether Officer A was justified to use deadly force when she shot Subject 1. Subject 2 provided conflicting statements regarding whether the officers gave instructions for the van occupants to show their hands prior to the shooting. However, Subject 2's statements to the detectives were in conflict and the detectives identified other details of his account that were disproved by evidence. Therefore, Subject 2's credibility is reduced. The totality of the evidence established that the van's occupants, including Subject 1, were ordered to show their hands from the moment Officers A and B made contact with them. The officers and Subject 3 confirmed that Subject 1 disobeyed instructions to show his hands; he instead made suspicious movements with his body and exited the van in defiance of her instructions. Officer A explained that as Subject 1 quickly turned towards her, she observed a dark object in his hands and discharged her weapon. A bag of narcotics was recovered near Subject 1's body, which adds support to Officer A's account that he held an object in his hand. Additionally, the incident occurred in the nighttime when visibility is diminished. Neither Officer B nor Subject 3 saw Subject 1's hands at the time Officer A discharged her firearm.

This investigation determined that Subject 1 was unarmed at the time of the shooting. However Officer A's actions need to be evaluated based on the information available to her at the time she discharged her firearm, and without the benefit of hindsight. There is no additional evidence to confirm whether Subject 1 held the bag of narcotics in his hand when Officer A discharged her firearm. Likewise, there is no evidence to support Officer A's account that she observed a dark object in Subject 1's hand when he spun towards her. Similarly, there is no evidence to verify whether Officer A's description of Subject 1's motions was accurate. Therefore, there is no evidence to establish whether Officer A's fear for her and her partner's safety was reasonable to justify her use of deadly force. The R/I, therefore, recommends a finding of **Not Sustained** for **Allegation #1** that **Officer A** shot Subject 1 without justification.