

INDEPENDENT POLICE REVIEW AUTHORITY  
LOG #1043040/U# 11-05

**INVESTIGATION**

**NUMBER:** LOG # 1043040/ U# 11-05

**OFFICER**

**INVOLVED #1:** “Officer A” (Chicago Police Officer); Male/White; 37 years old;  
On Duty; Plain Clothes; Year of Appointment – 1995

**OFFICER’S**

**INJURIES:** None reported

**SUBJECT:** “Subject 1”; Male/Black; 23years old

**SUBJECT’S**

**INJURIES:** One graze wound near the chest, one gunshot wound to the upper  
arm, one gunshot wound to the chin (through and through).  
Transported to Mt. Sinai Hospital.

**DATE/TIME:** 28 January 2011 at 2210 hours.

**LOCATION:** 2233 S. Kolin Ave. (vacant lot), Chicago, IL. 60623

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1043040/U# 11-05

**SUMMARY OF INCIDENT:**

On 28 January 2011, Officer A and Officer B were conducting a narcotic surveillance when they observed two unknown Black males and the subject, Subject 1, engage in a hand-to-hand transaction. The two unknown males left and Subject 1 walked into a vacant lot near 2233 S. Kolin Ave. where Officer A was hiding. Officer A appeared from his hiding place and announced his office to Subject 1. Subject 1 then raised his handgun and pointed it in Officer A's direction. In fear of his life, Officer A raised his weapon and discharged it twice at Subject 1.

Subject 1 then fled through a vacant lot towards Kolin Ave. Officer A shouted verbal directions to Subject 1 to drop his weapon. Subject 1 turned and pointed the handgun in Officer A's direction again. Officer A discharged his weapon again at Subject 1. Subject 1 fell to the ground and Officer A immediately recovered Subject 1's weapon. Subject 1 was transported by CFD ambulance to Mt. Sinai Hospital. Officer A gave Subject 1 weapon to CPD Sergeant A who secured it in his police truck.

## INVESTIGATION

Efforts to obtain an interview from **Subject 1** have met with unsuccessful results. Investigators attempted to obtain a statement while Subject 1 was at Mt. Sinai Hospital after the shooting had taken place. Subject 1 was read his Miranda Rights and said that he understood them. He then refused to sign forms and/or provide an interview.

A **Canvass** of the area was conducted on 28 January 2011. The canvass did not produce any possible eyewitnesses to the shooting. [Female First/Last Name] stated that Subject 1 was inside her home at XXXX S. Kolin prior to the shooting; however, she did not witness the shooting.

**Office of Emergency Management and Communications (OEMC) Event Queries** provides information that is consistent with the accounts of the incident. The event query further indicates that Officer A radioed in and reported shots were fired at and by police at 2210 hours. Four different callers called in and stated that there had been shots fired and a male was shot.

**Event Query #1102817225** from 28 January 2011 is a call to 911 from a Cricket phone. The person called about a person being shot in the vicinity of 2228 S. Kolin Ave. On 31 January 2011, a call was placed to the Cricket number, and a recorded message asked for a message to be left for someone named “[Female First Name].” A message was left asking for a return call.

**Event Query #1102817258** indicates that a (Female Caller) also called 911 about a male being shot by police in the back. A telephone call was placed on 31 January 2011, but a male who identified himself as “(Juvenile Male),” 15 YOA, indicated that no adults were home at this time. A message was left with (Juvenile Male) asking him to have an adult call IPRA as soon as possible about the 911 call made on 28 January 2011.

**The Arrest Report of Subject 1** (CB #18066208) indicates that Subject 1 was arrested and charged with aggravated assault to a police officer/firearm and unlawful possession of a firearm by street gang member. The narrative details that Subject 1 was placed in custody during a narcotic surveillance conducted by mobile strike force officers Officer A and Officer B. Subject 1 approached Officer A and Officer B’s point of surveillance brandishing a weapon. Officer A announced his office and gave Subject 1 verbal direction to “drop the gun.” Subject 1 failed to comply, and Officer A, fearing for his life, fired two shots at Subject 1, striking him.

Subject 1 began to run through the vacant lot westbound towards Kolin Ave eventually falling to the ground. Officer A immediately removed Subject 1 gun from near Subject 1 body and secured it.

**A General Offense Case Report - (HT 140270)**, was generated for Aggravated Assault to a Police Officer with a Handgun. There is no narrative included on the GOCR.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1043040/U# 11-05

**A Case Supplemental Report – (HT 140270)** was generated for aggravated assault to a police officer. The report details all personnel present and identifies evidence collected on scene.

**The Alcohol and Drug Testing Report** indicates that Officer A's BAC level was .000,

**A Tactical Response Report (TRR)** completed by Officer A indicates that after the subject, Subject 1, failed to follow verbal direction and commands and displayed a weapon likely to cause great bodily harm, Officer A responded with deadly force.

**The Officer's Battery Report** completed by Officer A documents that he was in uniform with a partner, investigating a man with a gun call. Officer A related that he had good artificial lighting as an unknown offender (now known as Subject 1) posed a threat to him by wielding a handgun.

**The Chicago Fire Department Ambulance** report details that Subject 1 was found lying on his stomach handcuffed with arms behind his back in no apparent distress. The report further indicates that Subject 1 was shot by CPD multiple times: one gunshot wound to the chin which appears to be a deep laceration wound with a large amount of bleeding, one gunshot wound to the upper arm with no exit wound, and one graze wound to the left chest. Subject 1 stated that his left arm was numb and denied chest pain and neck pain. Subject 1 was transported to Mt. Sinai Hospital for trauma and transferred to staff without incident.

**The Evidence Technician Photographs** depict the exterior of the residence at 2233 S. Kolin Ave. The photos show the crime scene near area, which are located near an empty lot and vacant property. The photos also depict damage from bullets which entered a residence near the vacant lot. The Photographs also include photos of Subject 1's wounds as he lay on the hospital bed.

**The Crime Scene Processing Report** documents items that were inventoried by forensic investigators. Officer A's Sig Sauer 9mm duty weapon (# 12232491), cartridge in chamber, magazine with 14 cartridges was inventoried at Northwestern Hospital Emergency Room. The offender's weapon was also inventoried (# 12232500) a .38 Colt Revolver containing 6 cartridges.

**The Illinois State Police Division of Forensic Service Report** details that the evidence (Inventory # 12232491- Sig Sauer 9mm) was examined, test fired and found to be in firing condition. It further detailed (Inventory # 12232500- Colt D.A. 38 special) was examined, test fired and found to be in firing condition.

In a statement to IPRA on 29 January 2011, **Witness CPD Sergeant A**, provided the following account of the incident. CPD Sergeant A related that he was assigned to Beat 1030, working alone, 2 pm to 11pm in a marked Tahoe. CPD Sergeant A related

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1043040/U# 11-05

that he heard a call over the radio that a Mobile Strike Force Unit needed assistance due to shots being fired by police.

CPD Sergeant A related that when he arrived on scene, he observed two officers in full uniform and a subject on the ground. The officers had their weapons out and at their sides. One of the officers was holding a weapon and stated to CPD Sergeant A that it was the offender's weapon. CPD Sergeant A took possession of the weapon and locked it in the rear cargo area of his Tahoe. CPD Sergeant A related that a crowd was gathering and he wanted the offender and the offender's weapon secured. CPD Sergeant A further related that the offender was talking when he arrived on scene but had obvious visual injuries.

In a statement to the IPRA on 30 January 2011, **Witness Officer B**, provided the following account of the incident. Officer B related that he was partnered with Officer A assigned to beat 4351B in full uniform. Officer B stated that he and Officer A were assigned to a marked vehicle. Officer B further related that he and Officer A were assigned to conduct a narcotics surveillance.

Officer B related that they set up surveillance in a vacant lot behind a vacant residence approximately fifteen feet apart. Officer A focused on watching the suspect narcotics selling and Officer B watched for their safety. At some point the persons on the street began looking toward the vacant lot where the officers were. Officer B and Officer A drew their weapons and attempted to remain secreted.

Officer B then observed the offender (now known as Subject 1) approaching the area that Officer A was hiding in. Subject 1 was pointing his weapon in Officer A's direction. Officer B heard Officer A tell Subject 1 "Police, drop it," and Officer A then fired two shots. Officer B stated that Subject 1 was approximately ten to fifteen feet away from Officer A when Officer A fired at Subject 1. Subject 1 then turned and ran through the vacant lot. Officer A and Officer B chased Subject 1. Subject 1 stopped and turned the weapon toward the officers. Officer A stated "Police, drop the weapon," and fired his weapon again striking Subject 1. Subject 1 fell to the ground and dropped his weapon. As citizens began to exit their homes, Officer A recovered Subject 1's weapon and called for an ambulance as well as back up units. CPD Sergeant A arrived on scene and Officer A gave the offender's weapon to the sergeant who secured it.

In a statement to IPRA on 30 January 2011, **Involved Officer A**, provided the following account. Officer A was assigned to Unit 153 partnered with Officer B in full uniform. Officer A related that he and Officer B set up narcotics surveillance in the 2200 block of Kolin. He and Officer B were on foot and had parked their marked vehicle in an alley close to Ogden.

Officer A and Officer B entered a yard and observed multiple transactions between unknown individuals. Officer A and Officer B positioned themselves behind a home and Officer A secreted himself behind a piece of plywood in the yard. In doing so,

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1043040/U# 11-05

Officer A made some noise and it gained the attention of the persons he was watching, who then continued to stare in his direction.

The offender (now known to be Subject 1) exited a home on the opposite side of Kolin and joined the men on the street looking in Officer A's direction. The men dispersed and, a short time later, Subject 1 returned and approached the vacant lot where the officers were hidden. Officer A drew his weapon and remained behind the plywood. As Subject 1 neared, Officer A announced his office and observed Subject 1 raise a revolver and point it in his direction. Officer A again yelled "Police" and fired his weapon twice. Subject 1 turned and ran back toward Kolin Avenue with Officer A in pursuit. Officer A repeatedly ordered Subject 1 to "Drop the gun. Drop the gun." Subject 1 reached backward with the revolver, pointing the gun at Officer A, and Officer A fired again striking Subject 1; he then fell to the ground, releasing his weapon, which landed in the street.

Officer A made notifications via the radio and requested assist units and an ambulance. Citizens began exiting their homes, so Officer A recovered Subject 1's weapon and, when CPD Sergeant A arrived on scene, he gave it to CPD Sergeant A and asked him to secure it in his vehicle. Subject 1 was transported from the scene via ambulance and Officer A later sought medical attention himself at Northwestern Hospital.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1043040/U# 11-05

**FINDINGS:**

The investigation found that the use of deadly force by Officer A was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order No. 02-08-3, 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 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.

The officer's actions were in accordance with the requirements spelled out above by A (1). By all accounts, Subject 1 pointed his handgun in the direction of Officer A. As such, Officer A was acting under the reasonable belief that his life was in imminent danger and thus was justified in using deadly force to "prevent death or great bodily harm to the sworn member or to another person."