

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1043569 / U #11-09

INVESTIGATION

NUMBER: Log #1043569/U#11-09

OFFICER

INVOLVED#1: “Officer A” (Chicago Police Officer); Male/White; 41 years old;
On Duty; In Uniform; Year of Appointment – 2000

OFFICER #1’S

INJURIES: None reported.

WITNESS

OFFICER: “Officer B” (Chicago Police Officer); Male/White; 38 years old;
On Duty; In Uniform; Year of Appointment – 1998

WITNESS

OFFICER’S

INJURIES: None reported.

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

SUBJECT’S

INJURIES: (1) Gunshot wound to the middle of the chest. Transported to
Illinois Masonic Medical Center in Critical, but Stable Condition.

DATE/TIME: 24 February 2011 – 2030 hours.

LOCATION: XXXX N. Keystone
Beat 2525

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SUMMARY OF INCIDENT:

On 24 February 2011, at approximately 2030 hours, Beat 2545, Officer A and Officer B, responded to an OEMC call of shots fired near Keystone and Palmer. Officers A and B drove to the area and observed a blue BMW parked in the west alley of Keystone Ave. Officers A and B parked their squad car on Palmer Street, east of the west alley on Keystone Ave. Officers A and B exited their squad car and walked towards the blue BMW to investigate. Officer A observed the blue BMW to be empty, unlocked and running. Officer A then observed that the sliding gate to the rear yard of XXXX N. Keystone Avenue was opened.

Upon entering the rear yard, Officer A observed the service door to the garage was opened, and a light was on inside of the garage. Officer A observed a person, now known to be Subject 1, inside the garage. Officers A and B approached the service door. Officer A took the lead and observed Subject 1 in the garage, crouched down by the rear passenger side wheel of the vehicle parked in the garage. Officer A, while still outside of the garage, announced his office and ordered Subject 1 to show his hands.

As Officer A entered the garage, Subject 1 rose from his crouched position and spun around and advanced quickly towards Officer A in an aggressive manner. Subject 1 pointed a shiny metal object and began screaming profanities as he advanced towards Officer A. Officer A believed that Subject 1 was holding a gun, and in fear of his life, discharged his weapon one time at Subject 1 striking him in the midsection. As Subject 1 fell backwards, he dropped the object that he was holding in hand, which Officer A observed to be a socket wrench. Subject 1 was transported to Illinois Masonic Medical Center in critical, but stable condition.¹

¹ The information for the Summary of Incident was obtained from the Chicago Police Department's Case Supplementary Report. At the time of the incident the Roundtable panel was no longer being conducted and 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 **Department Reports** related that Subject 1 was arrested for aggravated assault to a peace officer and two counts of possession of a controlled substance. The incident narrative documented that Subject 1 was arrested when he physically threatened Officer A with a ratchet wrench. Officers were assigned to guard Subject 1 at Illinois Masonic Hospital. Officer C performed a custodial search of Subject 1 and recovered from his left jacket pocket , (1) false metal bolt containing (3) clear knotted plastic bags, each containing white powder suspected to be cocaine, along with (1) clear knotted plastic bag containing (5) yellow pills, suspected to be ecstasy.

A **Tactical Response Report** completed by Officer A documented that Subject 1 “did not follow verbal direction,” was an “imminent threat of battery” and used a “weapon.” Officer A responded with “member presence”, “verbal commands”, and the use of his “firearm”. Additional information states that Subject 1 “attacked the officer with a ratchet wrench.”

The Officers Battery Report for Officer A documented that he was on duty, in uniform and working with a partner when he responded to investigate a call at XXXX N. Keystone Ave. Officer A related that Subject 1 directed verbal threats and used a blunt force object, now known to be a ratchet wrench to attack him. Officer A did not receive any type of injury.

Attendance and Assignment Sheets documented that on 24 February 2011, Officer A was assigned Beat 2546 in car 7707 from 1530 to 0030 hours. His partner, Officer B was assigned Beat 2546 in car 7707 from 1730 to 0230 hours.

The **Chicago Fire Department Ambulance Report** documented that Subject 1 was found sitting on the garage floor oriented towards the main door. Subject 1 had a small amount of blood on his shirt near the abdominal area and appeared to be cyanotic. An assessment revealed what appeared to be a single gun shot wound entrance to the epigastric area just lateral of the right sternal area. An exit wound appeared to be on the right flank just below the rib line. Subject 1 was treated and transported to Advocate Illinois Masonic Medical Center by Ambulance #52.

The **Independent Police Review Authority** sent a **certified letter** to **Subject 1** detailing that IPRA is conducting an investigation into the police involved shooting Subject 1 was involved in.

On 28 February 2011 at approximately 2240 hours, IPRA Investigator A visited Illinois Masonic Hospital and attempted to interview Subject 1. IPRA Investigator A met with Nurse A who related that she was the trauma nurse and that Subject 1 was being operated on for two gun shot wounds, one in the middle of the chest and one on his right side. Subject 1 was in critical condition, but his vital signs were stable and he was talking and was alert and oriented. Nurse A related that while Subject 1 was in the emergency room, he related that he was in his garage “minding his own business” taking

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a license plate off of a vehicle, when the police shot him. Additionally, Nurse A related that no drugs and no fired evidence were recovered from Subject 1 clothing.

Additional attempts to interview Subject 1 were met with negative results. On 01 March 2011, IPRA Investigator B made a personal visit to Illinois Masonic Hospital in an attempt to contact and interview Subject 1. IPRA Investigator B spoke with Subject 1 who in turn telephoned his attorney, Attorney A. Subject 1 handed the phone to IPRA Investigator B who then spoke with Attorney A. IPRA Investigator B related the nature of his visit and asked Attorney A if he would permit Subject 1 to give an interview. Attorney A refused IPRA Investigator B's request.

Medical Records for Subject 1 from Advocate Illinois Masonic Medical Center documented that Subject 1 was admitted to the emergency room on 24 February 2011 for a gun shot wound to the abdomen. Subject 1 was seen by Doctor A. The documents listed Subject 1's address at XXX W. 15th Place, Chicago, IL and his date of birth as XX June 1980. Upon admission into the hospital, Subject 1 was in stable condition. Subject 1 was sent for a computed tomography in which his chest, abdomen and pelvis were scanned. The computer tomography revealed that Subject 1 had a large liver laceration with active extravasation of contrast indicating a large vessel injury within the liver. Subject 1 was immediately operated on. Subject 1 was discharged on 22 March 2011.

A **Canvass** was conducted on 25 February 2011 near the location of XXXX N. Keystone. IPRA Investigator C was unable to locate any individuals that witnessed the incident in question.

Crime Scene Processing Report #15336 documented items inventoried and photographs obtained by the Evidence Technicians at the scene and hospital. The report also documented that Officer A's weapon was recovered and swabbed in the presence of Assistant Deputy Superintendent A, CPD Detective 1, and FOP Representative A in vehicle #6786 at the scene at 2200 hours. Subject 1's clothing was recovered from Illinois Masonic Hospital. The report was submitted by Officer D.

Evidence Technician Photographs documented the crime scene. Photos also documented a silver socket wrench located on the garage floor between the side service door and rear of the vehicle.

Illinois State Police Forensic Science Laboratory Reports documented under Lab Case #C11-008242 that Officer A firearm was tested and was in proper working condition. The unfired cartridge was analyzed for caliber and type only. The shell casings recovered from the alley pavement at 2204 N. Keystone were not fired from Officer A's weapon. The socket wrench was tested and revealed suitable latent impressions were made by the person whose fingerprints appear on a copy of the fingerprint card marked Subject 1.

A search of **Police Observation Devices (PODS)** in the vicinity of the alleged incident found there were no PODS in the area relevant to this investigation.

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The related **OMEC Event Queries** documented that at 2018 hours on 24 February 2011, Beat 2546 responded to a call of “shots fired” located at Keystone and Palmer. At 2022 hours, Beat 2546 reported shots fired by the police in the alley of XXXX N. Keystone. At 2024 hours, Beat 2546 requested an ambulance for a person shot.

A related Civil Suit, Subject 1 and [Name Withheld] V. City of Chicago, (12 CV 1306) was located. The civil suit claims that Subject 1 was shot by Chicago Police without justification and excessive force was used. The suit further claims that the officers failed to immediately call for an ambulance after Subject 1 was shot. Subject 1 suffered physical and emotional pain from the shooting. Further, [Name Withheld] claimed that officers refused her admittance into her own garage, detained her and searched her residence, all without justification. The civil suit indicated that officers stole items from the residence, including money and shrimp and steak out of the basement freezer. No depositions were taken in the civil suit. Subject 1 refused to cooperate with the Independent Police Review’s investigation. No affidavit was ever received in this case.

The **Detectives Supplementary Report** documented the Reporting Detectives investigation of the incident. On 24 February 2011, the Reporting Detectives were assigned by CPD Sergeant 1 to investigate a police involved shooting which occurred at XXXX N. Keystone.

After arriving at the scene, the Reporting Detectives learned that Officer A was investigating a call of shots fired when he entered into the garage located at XXXX N. Keystone. Upon entering the garage, the offender, now known to be Subject 1, advanced towards Officer A with an object in his hand that appeared to be a gun. Officer A who was in fear for his life, shot Subject 1 one time. At the time Subject 1 was being treated in a Chicago Fire Department Ambulance that was guarded by Beat 2563A.

The Reporting Detectives inspected the crime scene and observed crime scene tape to be across the mouth of the alley at 2200 N. Keystone and also across the alley at 2220 N. Keystone. Inside the crime scene, at 2204 N. Keystone Ave., the Reporting Detectives observed three .380 caliber shell casings. The Reporting Detectives observed at approximately XXXX N. Keystone Ave. a blue BMW parked on an angle, facing northwest and running. The residence located at XXXX N. Keystone Ave is a single family two story home with a two car garage on the south side of the rear yard.

Adjacent to the garage, on the north side of the rear yard, is a cement pad with a black wrought iron fence and a sliding gate facing the alley. The Reporting Detectives observed the rear gate to be opened and several vehicles parked on the cement pad. A van was parked along the north side of the garage that restricted access to the service door.

The Reporting Detectives entered the garage and observed it to be in disarray with tools and related accessories scattered about. The Reporting Detectives observed a wooden door leaning against the north wall of the garage directly west of the service door. The

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Reporting Detectives observed one nine millimeter shell casing lying in the debris, in between the wooden door and the wall. Approximately five feet southwest from the service door, on the garage floor, was a ten millimeter Stanley socket wrench. South of the socket wrench was a puddle of blood. Approximately eight feet southwest from the service door, the Reporting Detectives observed a fired bullet on top of a stack of tiles.

Statements given by neighbors and witness officers related that they heard a gun shot, but did not see Officer A fire his weapons.

The offender, Subject 1, was transported to Illinois Masonic Hospital by Chicago Fire Department Ambulance 52 for treatment for a single gunshot wound to the abdomen. Subject 1 was under arrest and was guarded by Officer C.

After arriving at Illinois Masonic Hospital the arresting officers conducted a custodial search of Subject 1. The arresting officers recovered from Subject 1 a false bolt, containing three knotted bags containing a white powder suspected to be cocaine, and five yellow pills suspected to be ecstasy.

CPD Detective 2, CPD Detective 3, and CPD Detective 4 interviewed Subject 1 in the emergency room at Illinois Masonic Hospital. Subject 1 related that he was in his garage changing his license plate on a car when he was startled by a noise. Subject 1 stood up and turned and approached the service door of the garage with the socket wrench in hand. Subject 1 believed that he saw a person he thought he knew standing in the doorway of the garage. As he approached this person, he realized he did not know this person and began to scream "What the fuck." Subject 1 was then shot.

In an audio recorded statement to IPRA, Officer B stated that 24 February 2011 he was on duty, partnered with Officer A. Officer B stated that they received a call of shots fired in the vicinity of Keystone and Palmer. Officer B stated that he was driving and that Officer A was seated in the passenger seat. They arrived at the intersection of Keystone and Palmer and did not observe anything. Officers A and B continued to travel westbound to the next alley, where Officer A observed a vehicle parked in the middle of the alley. Officer A exited the squad car first, followed by Officer B. Officer B related that Officer A unholstered his weapon at this time, as did he, and they both approached the vehicle. Both officers observed the vehicle to be running, but no one was inside. Officer A then motioned towards a service door of a garage located at XXXX N. Keystone. The service door was opened and a light was on. The officers made their way towards the service door by walking through a rear parking lot that contained seven or eight parked cars. Officer B related that as they were walking towards the service door they were being careful and made sure that there were no offenders hiding near any of the cars. Officer A was in the lead and continued to move closer to the service door. Officer B was directly behind him and saw Officer A clear the service door. Officer A then entered the service door and had about fifty to seventy five percent of his body inside the garage when he yelled out, "Police, let me see your hands." Officer B, who was still outside and about five feet away from the door, then heard some kind of noise and then a single gun shot. Officer A retracted from the door and told Officer B to call an

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ambulance. As Officer B was calling for an ambulance, Officer A approached him and stated, "Man, I thought he had a gun, I thought it was a gun, but it was a ratchet." Officer B related that he never went into the garage after Officer A discharged his weapon and never saw the ratchet or Subject 1.

In an audio record statement to IPRA, Officer A stated that on the 24 February 2011 he was on duty, partnered with Officer B. Officer A related that they received a call of shots fired near the location of Palmer and Keystone. Officer A stated that they drove to the location and stopped their car before reaching the intersection of Keystone and Palmer. Officer A related that he observed a car in the middle of the alley and told Officer B to stop the car. Officer B parked the squad car and both officers exited the vehicle. Officer A related that the vehicle looked abandoned because of the way that it was parked in the middle of the alley. Officers A and B walked towards the vehicle and cleared each gangway along the way. Officer A related that he had his gun drawn at this point. Officer A related that the vehicle was facing north and that they were approaching the vehicle from the rear. As Officer A approached the vehicle, he observed that the vehicle did not have any license plates, the engine was running and the radio was on. Officer A checked the vehicle and noticed that there were no occupants. Officer A motioned to Officer B that he was going to continue forward to clear the gangways in front of the vehicle. Officer A went to the front of the car and observed a light on in the garage, now known to be located at XXXX N. Keystone. Officer A related that the service door was opened. Next to the garage was a parking lot where several vehicles were parked. Officer A related that he did not know what was behind the vehicles, so he began to clear the parking lot with his gun unholstered and pointed down to the ground. Once inside the parking lot Officer A got closer to the garage and service door and began to hear noises. Officer B was behind Officer A as they were both clearing the parking lot. As Officer A approached the service door, he looked through the side passenger window of a van that was parked next to the service door to see into the garage. Officer A did not have a clear view, so he motioned to Officer B that he was going to approach the service door and see if anyone was inside. As Officer A approached the service door, he got close to the side of the van and began to "slice the pie"² with his weapon drawn. Officer A could still hear noise coming from the garage. Officer A stood at the farthest corner of the service door and peaked into take a look at who was in there. When he peaked in, he saw a man crunched over by a car with his back to Officer A. Officer A then placed half of his body inside of the garage and yelled, "Police, show me your hands." The subject, now known to be Subject 1, turned around and leaped towards Officer A and yelled out, "Fuck." Officer A noticed that Subject 1 was holding a gun or a shiny object that resembled a barrel of a gun as he advanced towards him. Officer A stated that he was pointing the object directly at him. Officer A, who in fear of his life and being shot, fired his weapon one time, striking Subject 1. Subject 1 fell back to the ground and grabbed his abdomen. Officer A observed that Subject 1 still had the object on him. Officer A stated, "What do you have, what do you have?" and Subject 1 then

² "Slice the Pie" refers to a tactical maneuver. The maneuver is performed when an officer approaches a corner or open door. The officer takes a horizontal step away from the corner, pauses, and scans the area from floor to ceiling, in front of him. The officer continues to do these steps in a semi-circle as he moves farther away from the corner.

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dropped a metallic object on the floor. Officer A then yelled to Officer B to call for an ambulance.

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A 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 involves 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."

The actions of Officer A were in accordance with the statute "to prevent death or great bodily harm to the sworn member or to another person" because he reasonably believed his life and partner's life was in danger when Subject 1 advanced towards him with a shiny metal object in his hand that resembled a gun.

Officer A stated his office and ordered Subject 1 to show his hands, but Subject 1 did not comply. Subject 1 pointed the shiny metal object directly at Officer A, who believed it was a gun and in fear of his life, discharged his weapon. Evidence supported the officers account of what occurred. A metal socket wrench that was believed to be a gun was recovered near where Subject 1 was shot.