

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1043812 - U# 11-011

INVESTIGATION

NUMBER: Log # 1043812 - U# 11-011

OFFICER #1

INVOLVED: "Officer A" (Chicago Police Sergeant); Male/Asian; 37 years old;
On Duty; Uniform; Year of Appointment – 2006

**OFFICER'S
INJURIES:** None Reported

OFFICER #2

INVOLVED: "Officer B" (Chicago Police Officer); Male/White; 33 years old;
On Duty; Uniform; Year of Appointment – 2000

**OFFICER'S
INJURIES:** None Reported

SUBJECT: "Subject 1"; Male/Black; 34 years old

**SUBJECT'S
INJURIES:** Several gunshot wounds about the front/mid-section, upper back and
a graze wound to the head. Transported to Morgue. (Fatal)

**INITIAL
INCIDENT:** Traffic Stop / Fleeing.

**DATE/TIME
OF INCIDENT:** 09 March 2011, at 0026 hours.

LOCATION: 6949 S. Halsted Street - Beat of Occurrence 732.

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1043812 - U# 11-011

SUMMARY OF INCIDENT:

On 09 March 2011 at approximately 0026 hours, while on routine patrol, Officer A, Officer B and Officer C observed a silver Dodge Charger roll through a stop sign near 69th and Peoria. At this time, Officer C, who was the driver of the squad car, made a U-turn and proceeded to curb the vehicle. The Charger stopped in the Burger King parking lot at 69th and Halsted. The officers exited the squad car, approached the vehicle, and observed three occupants inside. As the officers approached closer to the Charger, the vehicle fled from the parking lot. The officers immediately ran back to the squad car, radioed that the car took off and proceeded to head after the vehicle. The officers were approximately a block away in distance, when at approximately 70th and Halsted, at the first alley, one of the passengers, a black male now identified as Subject 1, exited the Charger. Subject 1 immediately ran toward 69th Street then proceeded eastbound on 69th Street once he saw the officers. Officer A and Officer B engaged in a foot pursuit of Subject 1 as the Charger fled the scene. Officer C returned to the squad car and went to meet with his partners. During the foot pursuit, Subject 1 hopped over a fence at 6949 S. Halsted, stumbled and while in a crouched position facing Officer A, Subject 1 raised his hand with a firearm and pointed a weapon at Officer A. At which time, Officer B and Officer A fired their weapons, fatally striking Subject 1. Two weapons were recovered from Subject 1 and other weapons were recovered from the Charger that was left abandoned at 70th Street and Morgan.

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1043812 - U# 11-011

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In a **statement** provided to IPRA, **Officer C** stated that at approximately 69th and Peoria, he observed a silver Dodge Charger roll through a stop sign. At this time, Officer C, who was the driver of the squad car, made a U-turn and proceeded to curb the vehicle in the Burger King parking lot near 69th and Halsted. The officers exited the squad car and approached the vehicle, which had three occupants. As they got closer to the occupants, the vehicle fled from the parking lot. Officer C and his partners ran back to the squad car, and radioed that the car took off on them and was headed southbound on Halsted from 69th Street. The vehicle went westbound onto 70th Street and stopped in the first alley west of Halsted. Officer C stated that they were less than a block away in distance when he observed the silver Charger with one of its doors opened. One of the offenders, a black male, ran as soon as he saw Officer C and his partners. Officer C immediately ran back to the squad car as the silver Charger fled the scene. Officer C reversed the squad car to meet with his two partners who had chased after the black male on foot. As Officer C approached 70th Street and Halsted, he heard numerous gunshots and saw muzzle flashes from both officers. As Officer C approached the area where the officers were located, he observed the offender (now identified as Subject 1) lying on the ground in front of the house at 6949 S. Halsted near the stairwell. Officer C stated that he did not cross over the fence, did not know if any of his partners crossed the fence and did not see any witnesses.

In a **statement** provided to IPRA on 10 March 2011, at 1236 hours, **Officer B** provided an account of the incident that was similar to Officer C's account. Officer B stated that once the Charger stopped in the alleyway, he saw Subject 1 walking then running eastbound on 69th Street toward Halsted upon seeing the officers. Officer B and Officer A chased after Subject 1 on foot. Officer A, who was, at one point, 30 feet in distance from Subject 1, was in front of Officer B. Subject 1 then crossed the street and flipped his body over a five foot iron fence located at 6949 S. Halsted. Officer B stated that he was slightly south of the address and that Officer A was to his north (left). After Subject 1 flipped over the fence, he stumbled and rose up to a crouched position facing Officer A. Officer B then saw Subject 1 raise his hand with a firearm in his hand and point it at Officer A. Officer B immediately drew his weapon and fired four shots at Subject 1. Officer B stated that he unholstered his weapon the moment he saw a weapon in Subject 1's hand pointed at Officer A. Officer B stated that he was about 30 feet in distance from Subject 1, in a standing position, not moving, when he fired, holding his weapon with two hands. Officer B stated that he stopped firing when Subject 1 was no longer a threat and was down. Officer B stated that he and Officer A immediately called for an ambulance. Officer A then hopped the fence and handcuffed Subject 1. Officer B stated that he heard a shot, but was not sure who fired the shot. Officer B stated that Officer C arrived shortly after the shooting took place. Officer B related that he went to the hospital for a sprained or strained knee. Officer B stated that he did not know what happened to the Charger and its occupants. Officer B stated that when Officer A went to handcuff Subject 1 he saw that a weapon next to Subject 1 and another weapon in his waistband.

In a **statement** provided to IPRA on 09 March 2011, at 1433 hours, **Officer A** stated that on the date of this incident he was working with Officers B and C. Officer A related that he was seated in the rear passenger side of their squad car, Officer C was the driver and Officer B was the front passenger. Officer A stated that while on routine patrol they observed a vehicle go through a stop sign at Peoria and 69th Street. They proceeded to follow the vehicle and run the plates. The vehicle stopped in the Burger King Restaurant parking lot on 69th Street and Halsted. Officer A related that

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1043812 - U# 11-011

he and the officers exited the squad car and approached the vehicle when it suddenly pulled away. They immediately returned to their squad car and began to follow the vehicle, as Officer B got on the radio and relayed the information and a brief description of the vehicle. Officer A related that he could not recall how many subjects were in the vehicle, but they went southbound on Halsted as they followed behind. Officer B continued to provide information via the radio of the direction of travel of the subjects. The vehicle then turned right onto 70th Street and, as the officers made their turn, they observed a black male (now identified as Subject 1) exiting the rear passenger seat into the alley. Officer A stated that he exited the vehicle and pursued Subject 1 on foot east on 70th Street. Officer A related that Officer B also exited the vehicle.

Officer A was about 20 to 30 feet behind Subject 1, who headed north on Halsted and hopped a wrought-iron fence as Officer A went over to the side and tried to jump a chain-link fence. Officer A stated that he was just a few feet away from Subject 1 when he heard a metal object hit the ground. Officer A saw that it was a gun. At that time, Subject 1 ran back toward the gun and picked it up. Officer A stated that he was still going over the fence when Subject 1 picked up the gun and raised it up toward Officer A.

At this time, Officer A pushed himself over the fence, drew his weapon and fired in fear for his life. Officer A stated that he was partially standing and crouching when he drew his gun, holding it with two hands as he fired five times in sequence. Subject 1 was moving backwards and then away from Officer A. Officer A stated that he could faintly hear other gunshots fired near his right side, looked over and observed Officer B. They approached the fence together to check on Subject 1 and immediately got on the radio to request EMS and report the shots fired by the police. Officer A stated that Officer B informed him that he would cover Subject 1, who still had a weapon in his waistband near his hip area. Officer A related that the Charger was later found abandoned, and that they had no knowledge of the identity of the other passengers. Officer A stated that the scene was secured, notifications were made and Officer C responded within a minute or so. It was dark and raining as other units arrived and they searched for a third object that he observed Subject 1 toss into a vacant lot area near Halsted and 70th Street. Officer A related that he sought medical treatment at Christ Hospital as he was suffering from pain to his head, back and knees from running and jumping down.

According to the **Postmortem Examination** of Subject 1, Doctor A conducted the autopsy (M.E. # 145 Mar 11 on 09 March 2011) on Subject 1. Subject 1 had a large gash approximately three inches in length on the top right side of the head. Doctor A recovered a bullet that was lodged in the rear abdomen area. Doctor A stated that the gash on the head was caused by a gunshot. The gunshot wound in the front of the abdomen was an entry wound and the bullet that was recovered at the rear of the abdomen was from that entry wound. The gunshot wound on the right chest area was an exit wound and the entry wound was on the right back area, through and through. The gunshot wound on the left rib area was an exit wound, and that the entry wound was the back mid section, through and through. The gunshot wound on the left elbow was also a through and through. The cause of death was multiple gunshot wounds and the manner of death was a homicide.

A **canvass** of the location of incident, 6949 S. Halsted Street, was conducted in search of witnesses and any video recordings. Many of the commercial businesses at this location were closed during the date and time of the incident. Also there were many vacant lots and store fronts. The individuals that were home on the date and time of incident indicated that they heard several shots

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1043812 - U# 11-011

and saw police vehicles with their emergency equipment activated, but did not witness the actual shooting.

The **Office of Emergency Management and Communications (OEMC)** recording(s) of relevant transmissions, made by both citizens and Department Personnel, and related Event Queries provide information consistent with the incident provided by the involved officers including the reporting of shots fired with hits. The report revealed that the officers were not hit and the subject was on scene deceased and an ambulance was requested.

The **Event Query #1106800246** showed a call from Beat 4475E reporting a black male wearing a green jacket going northbound on Halsted on foot; 37 seconds later a report of shots fired by the police requesting EMS was made. The query stated next that the offender was down and that the officers were looking for a silver Charger that went west on 70th Street toward Halsted. The query further indicated that two weapons were located on the victim and additional weapons were recovered from the vehicle that was found abandoned at 70th and Morgan.

The **Event Query #1106800264** showed a call from a Female #1 who heard three shots fired. Female #1 had no other information.

The **Event Query #1106800301** showed a call from a cellular Cricket phone where the individual reported that three black males exited a black Jaguar that was facing the wrong way. The caller further stated that these three individuals were the shooters and that the police were in the area. No further information was received.

The **Event Query #1106800516** showed a call on 09 Mar 11 at 0101 hours, from Female #2, who stated that a black male about 5'9", wearing a sweat shirt with a hood, jumped into her rental car, a silver Dodge Charger and headed southbound on Morgan.

Chicago **Fire Department Ambulance #14** responded to a call of a gunshot victim. The report revealed that paramedics found the patient, Subject 1, unresponsive, having been shot by the police after he fired at them. The report also indicated that Subject 1 was shot once in the head, once in the back and once in the groin.

The related **Department Reports**, which include **Case Report (RD #HT-194641)**, **Tactical Response Reports (2)**, and the **Officer's Battery Report (2)**, provided accounts of the incident as provided by Officer A and Officer B, that Subject 1 pointed a weapon at the officers and they discharged their weapons for each others safety. Subject 1 was shot numerous times which caused his death.

The **Medical Examiner's Photographs**, taken 09 March 2011, depict Subject 1 with a gunshot wound to the abdomen, a gash on the head and an entry gunshot wound on the right chest area with an exit wound on the right back area. There were gunshot wounds on the left rib area, the midsection and left elbow. Photographs of Subject 1's clothes were also obtained, photographed and inventoried.

The **Evidence Technician Photographs** taken on 09 March 2011 at the location of incident, at 6949 S. Halsted Street, depicted photos of Subject 1 lying on the ground face down with blood on

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1043812 - U# 11-011

the face. One of the photographs depicted a handgun on the waistband of Subject 1 and another handgun near his body. Photographs taken of the vicinity depicted spent shell casings and Subject 1's black jacket with a large logo on back.

The **Illinois State Police (ISP), Division of Forensic Services** report, dated 22 April 2011, for testing of a Glock, model 17, 9 mm Luger semiautomatic pistol, serial #NAE981, one magazine, and 13 Winchester .9 mm Luger +P unfired cartridges as Exhibit #10. Exhibit #10 has rifling characteristics of six polygonal lands and grooves with a right hand twist. The firearm was examined, found to be in firing condition and test fired. Test shots were not entered into the IBIS database. The magazine was used to test fire the firearm and all of the unfired cartridges were examined for caliber and type.

Exhibit #11 was received by the Forensic Science Center on 17 Mar 2011 and was a Sig Sauer, model P226, .40 S & W semiautomatic pistol, Serial #U 814888, one magazine and twelve Winchester .40 S & W unfired cartridges. The firearm in Exhibit #11 has rifling characteristics of six lands and grooves with a right hand twist. The firearm in Exhibit #11 was examined, found to be in firing condition and test fired. Test shots were not entered into the IBIS database. The magazine was used to test fire the firearm and all of the unfired cartridges were examined for caliber and type.

Exhibit #15 was received on 21 Mar 11, one fired bullet. Exhibit #15 is a .9 mm caliber fired bullet exhibiting six polygonal lands and grooves with a right hand twist. Exhibit #15 was fired from Exhibit #10. Exhibit #16, 17 and 18 were received as evidence by the Forensic Science Center on 25 March 2011. Exhibit #16 – Three Winchester .40 S & W fired cartridges cases which were fired from Exhibit #11. Exhibit #17 – Five Winchester .9 mm Luger +P fired cartridges cases were all fired from Exhibit #10. Exhibit #18 – One Winchester .40 S & W fired cartridge case refer to the findings for Exhibit #16.

The **Illinois State Police (ISP), Division of Forensic Services**, report, dated 05 June 2013, revealed that a Ruger, model P95DC, 9mm Luger semiautomatic pistol, serial #313-25286 under exhibit #4, was submitted for testing and it has rifling characteristics of six lands and grooves with a right hand twist. It was found to be in firing conditions and the unfired cartridges were examined for caliber and type. Exhibit #7 – revealed an obliterated area on the plate attached to the left grip.

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1043812 - U# 11-011

CONCLUSION:

This investigation found that, based on the preponderance of evidence, the use of deadly force by Officer A and Officer B was in compliance with Chicago Police Department policy and 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 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."

Officer B was on patrol with his partners, Officer C and Officer A, when they chased a fleeing offender, Subject 1, who pointed a gun at them. Officer A's and Officer B's actions were in accordance with the requirements of the Department's Use of Deadly Force policy. Officer A and Officer B were reasonably in fear for their lives and discharged their weapon in order to stop the threat.