

INDEPENDENT POLICE REVIEW AUTHORITY

Log 1043911 / U# 11-12

INVESTIGATION

NUMBER: LOG# 1043911/U# 11-12

OFFICER #1

INVOLVED: “Officer A” (Chicago Police Officer); Male/Black; 31 years old;
On- Duty; In Civilian Dress; Year of Appointment – 2005

OFFICER #2

INVOLVED: “Officer B” (Chicago Police Officer); Male/Black; 32 years old;
On- Duty; In Civilian Dress; Year of Appointment – 2000

SUBJECT: “Subject 1”; Male/Black; 20 years old

SUBJECT’S

INJURIES: Gunshot wounds to the right groin area, right knee, left buttock, and left thigh. Treated at Stroger Hospital.

INITIAL

INCIDENT: Officers were patrolling in the area of 71st Street and St. Lawrence because of frequent calls regarding the liquor store at that intersection.

DATE/TIME

OF INCIDENT: 12 March 2011, 1454 hours

LOCATION:

7042 S. St. Lawrence – Side yard/gangway
Beat 0322

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SUMMARY OF INCIDENT:

On 12 March 2011, at approximately 1454 hours, Officers A, B, C, D, and E were patrolling together in two unmarked squad cars, assigned to Beats 304A and 304B. They had been directed to patrol specific areas of the 003rd District, including the vicinity of 71st Street and St. Lawrence, in order to suppress violence that frequently occurred in those areas. They observed Subject 1 exiting the liquor store at 71st and St. Lawrence. Subject 1 looked at the officers and immediately ran in the opposite direction, north on St. Lawrence. Officers A and B ran after Subject 1 to the gangway between 7042 and 7048 S. St. Lawrence while Officers C, D, and E separately went to the alley behind the buildings to prevent Subject 1 from escaping in that direction. Subject 1 removed an object from his waistband and jumped over a fence into the gangway. He faced the officers and pointed a black gun at them. Both Officers A and B fired their guns at Subject 1. Subject 1 fell to the ground and dropped the gun. Officer C came from the alley and handcuffed Subject 1. The officers recovered a black gun which was later revealed to be an airgun. They also found marijuana on Subject 1.

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In a statement to IPRA on 13 March 2011, **Subject 1** related that he left a friend's house to go to the store. He had marijuana and a BB gun on him. The BB gun is black and is a replica of a 9mm pistol. When he left the store, he saw two police vehicles drive past him. One of the officers in the second car started to get out of the car. Subject 1 ran north on St. Lawrence because he did not want to be arrested for the marijuana. The gun fell from Subject 1's waistband when he jumped over the fence. When he continued to try to run, the officers shot him. Subject 1 was several feet away from the gun when the officers shot him.

In a separate conversation with IPRA on 12 March 2011, Subject 1 related that the officers were only doing their jobs and that he felt stupid for running when he only had a small amount of weed and a BB gun.

Subject 1's **medical records** from Stroger Hospital indicate that he sustained multiple gunshot wounds to his lower extremities, specifically the right groin area, right knee, left buttock, and left thigh. There was no indication in the records whether any of the wounds were entry or exit. The only trajectory noted was transpelvic. Subject 1 told hospital staff that he purchased a "pellet gun" at a store. Shortly after leaving the store, he saw police officers in the area. Subject 1 ran from the officers because he was in possession of marijuana. Subject 1 was jumping over a fence when he heard gun shots. The portion of the records that contain Subject 1's account to hospital staff also contains the following sentence: "It is assumed that the police were provoked by the patient being armed with a weapon that they were forced to open fire."¹

In a statement to IPRA on 12 March 2011, **Witness 1** related that she was watching television inside her home at XXXX S. St. Lawrence and heard eight gunshots coming from the north side of her house. She went to the window and saw a black male, now known to be Subject 1, holding his leg as if he had been shot. Police officers were standing nearby. Subject 1 told the officers that they should not have shot him because he was only holding a "starter pistol." One of the officers told Subject 1 that he should not have been holding anything. Witness 1 stated that she did not leave her house at any point and that she did not know what happened before the gunshots.

In a statement to IPRA on 12 March 2011, **Witness 2** related that he was at his home at XXXX S. St. Lawrence when he heard approximately eight-to-ten gunshots. Witness 2 went outside and saw a black male, now known to be Subject 1, lying on the ground. Witness 2 also saw a plainclothes police officer with Subject 1. Subject 1 told the officer that he had a "toy gun" in his hand while he ran but that he didn't point the gun at the officers. Witness 2 observed that Subject 1 had been shot in the right leg. Paramedics soon arrived and took Subject 1 from the scene.

In a statement to IPRA on 14 March 2011, **Witness 3** related that she was at her home at XXXX S. St. Lawrence with Subject 1, whom she only knew as "[First Name]" and knows through a mutual friend. Subject 1 said that he was going to the store and left the apartment.

¹ Quote taken from page 4 of Attachment 47, labeled "Page Number: 2 of 14" at the bottom. There is no indication in the records as to whose assumption this is or how they arrived at this assumption.

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Approximately two minutes later, Witness 3 heard tires screech to a halt. She looked outside the window and saw an unmarked squad car on the west side of St. Lawrence Ave. Subject 1 was running north on the west side of the street, followed by two black male police officers. Subject 1 ran toward a vacant building at 7042 S. St. Lawrence and jumped over the fence into the gangway between 7042 S. St. Lawrence and 7048 S. St. Lawrence. Witness 3 could no longer see Subject 1 once he entered the gangway. The officers stopped in front of 7048 S. St. Lawrence. One of the officers pointed his gun and shot it four or five times. Witness 3 did not see the other officer fire a gun. She stated that Subject 1 did not have any type of gun with him when he left her apartment and she “knew” that he did not own a replica gun. Witness 3 did not elaborate how she knew that or why she had this information but not Subject 1’s last name.

In a statement to IPRA on 15 March 2011, **Witness 4** related that she was alone at her home at XXXX S. St. Lawrence at the time of the incident. She was sitting in her living room and talking on the phone when her attention was drawn to a black male (now known to be Subject 1) running north on the west side of St. Lawrence. Three police officers chased Subject 1. When Subject 1 approached the house directly across St. Lawrence from Witness 4’s residence, he threw an object into the gangway between that house and the abandoned building next to it. Witness 4’s believed that the object looked like a firearm. Subject 1 then climbed the fence into the gangway and landed on the ground. Witness 4’s heard four gunshots. She did not see who fired but she knew it was one of the officers. Subject 1 was on the ground and did not have anything in his hands when Witness 4’s heard the gunshots. Witness 4’s later saw additional police officers and an ambulance arrive on the scene.

A **canvass** of the location of incident revealed no additional witnesses.

Video recording from King Food and Liquor, located at 560 E. 71st Street, shows Subject 1 in the lobby of the store for approximately one minute. When Subject 1 exited the store, two unmarked police cars stopped in front of the store. Subject 1 immediately ran north on St. Lawrence. Subject 1 had his hands inside the sleeves of his coat as he ran. Three officers who exited the vehicles ran after Subject 1. Subject 1 and the officers ran out of the view of the camera.

The related **Department reports** provide an account of the incident that is consistent with the Summary of Incident described above. Subject 1 was charged with two counts of Aggravated Assault to a Peace Officer/ Fireman and one count of Cannabis. His arrest report indicates that he pointed a blue steel handgun at Officers A and B. The officers were in fear of their lives and fired their own guns at Subject 1. They later learned that the gun he pointed at them was a replica. Subject 1 was found to be in possession of a large plastic gun and 14 small baggies containing suspect cannabis. Subject 1 was transported to Stroger Hospital for treatment. Officers A and B both completed Tactical Response Reports documenting their use of force. Officer A reported that he fired three shots, and Officer B reported that he fired seven shots. In separate statements to detectives, Officers A, B, C, D, and E provided essentially the same account of the incident that they provided in their statements to IPRA. Subject 1 told detectives that he removed the BB gun so he could throw it and continue running. Officers shot him after they saw him with the gun in his hand.

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The **Crime Scene Processing Report** details the evidence that was recovered from the scene, including Subject 1's airgun and the Sig Sauer semiautomatic firearms belonging to Officers A and B.

Evidence Technician photographs include views of the location of incident and the recovered evidence.

The **Bureau of Internal Affairs Synoptic Report** indicates that drug and alcohol tests conducted on Officers A and B in the hours following the incident were negative.

Office of Emergency Management and Communications records indicate that the officers reported shots fired by the police and requested an ambulance at 1455 hours. They also immediately reported that a weapon had been recovered. There were no calls to 911 about the incident.

A report from the **Illinois State Police Division of Forensic Services ("ISP")** dated 29 March 2011 stated that the firearms belonging to Officers A and B were examined and found to be in firing condition. The report continued that two of the recovered fired casings were fired from Officer A's gun, and eight of the recovered fired casings were fired from Officer B's gun.

In a statement to IPRA on 12 March 2011, **Witness Officer D** related that he was driving a squad car with Officer E as the passenger. Officers A, B, and C were working with them in a separate car. The officers were all wearing plainclothes and using unmarked cars. Their assignment that day was to patrol specific areas in the district, including the vicinity around the liquor store at 71st and St. Lawrence. When they stopped in front of the liquor store, they saw Subject 1 exit the store. Subject 1 drew their attention because he initially walked toward their vehicle, then abruptly turned and walked in another direction when he saw they were police officers. The officers decided to do a field interview with Subject 1. When Officers A and B got out of their squad car, Subject 1 ran north on St. Lawrence. Officer E got out of the squad car and joined Officers A and B in chasing Subject 1. Officers C and D drove their squad cars in different directions to cut off Subject 1's potential avenues of escape. Officer D drove through the alley and saw Subject 1 standing in a gangway. Officer D could not see what Subject 1 was doing and did not see any other people in the area. Officer D heard some gunshots. He did not know who was shooting, so he kept driving to make sure that he was not in anyone's line of fire. Officer D stopped his vehicle in the alley at approximately 7044 S. St. Lawrence, which was north of where he saw Subject 1. Officer D ran back to the gangway and saw Subject 1 lying on the ground. Officer D saw a gun on the ground a few feet away from Subject 1. He told Officer E to make sure that Subject 1 did not have any other weapons. Officer D then returned to the alley to make sure that there were no citizens approaching the scene from that direction. Officer D did not have any conversation with Subject 1 and was not close enough to hear whether Subject 1 said anything.

In a statement to IPRA on 12 March 2011, **Witness Officer E** provided the same information about the officers' assignments as the other officers did. They stopped in front of the liquor store at 71st and St. Lawrence. Right after they stopped, they saw Subject 1 exit the store. Subject 1 made eye contact with Officer E. There was something about the way Subject 1 looked

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at Officer E that drew his attention to him. Officer E described it as “super suspicious”² and said that the look on Subject 1’s face was as if he was worried that he was “caught.”³ Officer A started to get out of the other squad car to conduct a field interview with Subject 1. As Officer A was getting out of the squad car, Subject 1 ran away from the officers. Officers B and E got out of their respective vehicles and joined Officer E in chasing Subject 1. Officers A and B followed Subject 1 as he ran toward the gangway next to 7048 S. St. Lawrence. Officer E ran around that house to the alley to cut off Subject 1. As he ran toward the alley, Officer E heard the other officers telling Subject 1 to stop running. He also heard one of the officers say, “He has a gun,” and “Drop the gun,” but he did not know which of the other officers said that. Officer E then heard numerous gunshots. He stopped running and looked around the corner of the house into the gangway. He saw Subject 1 standing and facing Officers A and B. Officer E used his radio to report shots fired and to direct Officers C and D, who were still in the squad cars, where to go. Once Officer E made sure that there were no additional shots, he ran into the gangway and observed that Subject 1 had been shot and was on the ground. Officer C handcuffed Subject 1. Additional units arrived on the scene very quickly.

In a statement to IPRA on 12 March 2011, **Witness Officer C** provided the same information about the officers’ assignments as the other officers did. When they turned from St. Lawrence to 71st Street, they saw Subject 1 exiting the liquor store. Subject 1 turned the corner as soon as he saw the officers. Officer A started to get out of the car and called to Subject 1, but Subject 1 immediately started running north on St. Lawrence. Officers A and B got out of the car and ran after Subject 1. Officer C reversed his car so he could watch where Subject 1 was going. He saw Subject 1 run through a yard and go over a fence. As Subject 1 was going over the fence, he reached toward his waistband or pants. When he did that, Officer C stopped his car. As Officer C was about to get out of the car to assist the other officers, he heard gunshots. Officer C got out of the car and ran to the back of the building to stop Subject 1 if he ran that way. He met one of the other officers (Officer E) in the back but Subject 1 never came through the gangway. Officer C looked through the gangway and saw Subject 1. Officer C approached Subject 1, who was yelling, “They shot me. All I had was some weed and a toy gun.”⁴ There was a black gun approximately five or six feet away from Subject 1. Officer C handcuffed Subject 1.

In a statement to IPRA on 12 March 2011, **Involved Officer B** provided the same information about the officers’ assignments as the other officers did. When they arrived at 71st and St. Lawrence, they saw Subject 1 coming out of the liquor store. Officer A started to get out of the car to talk to Subject 1. Officer B was sitting in the backseat and did not know why Officer A wanted to talk to Subject 1. Officer B got out of the car as well. Officer A said something to Subject 1 to indicate that he wanted to talk to him. Subject 1 immediately ran north on St. Lawrence. Officers A and B ran after Subject 1, with Officer A in front. Subject 1 ran across a yard in front of a house and jumped over a fence into the gangway. Before he went over the fence, Subject 1 tugged at his waist or coat pocket and removed a black object. Officer B did not know what the object was at the time. Subject 1 went over the fence and rose to his feet to face the officers. At that point, Officer B was able to clearly see that the black object in Subject 1’s right hand was a gun. Officer B told Officer A that Subject 1 had a gun. Officers A and B both

² Attachment 50, page 15, lines 6-7

³ Attachment 50, page 15, line 17

⁴ Attachment 53, page 11, line 21-22

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fired their own guns at Subject 1. Officer B did not know which of them fired. He also did not know at the time how many shots he fired, but he was later told that he fired seven shots. Subject 1 dropped his gun and fell to the ground. Officer B stopped firing because the threat was eliminated. One of the other officers came from behind the building and handcuffed Subject 1.

In a statement to IPRA on 12 March 2011, **Involved Officer A** provided the same information about the officers' assignments as the other officers did. When they arrived in front of the liquor store at 71st and St. Lawrence, they saw Subject 1 exiting the store. Subject 1 looked at the officers, gave them a "nervous ... suspicious look,"⁵ and turned to run in the opposite direction. Officers A and B both got out of their vehicle and ran north on St. Lawrence after Subject 1. When Subject 1 reached a gangway that had a fence at it, he reached inside his waistband and removed a gun. Officer A only saw the back of the gun at that point and did not immediately identify what it was. Subject 1 jumped over the fence as soon as he pulled out the gun. Subject 1 got up from the ground, turned toward the officers, and pointed the gun at them. Officer A was clearly able to see the gun at that point. Additionally, Officer B shouted that Subject 1 had a gun. Officer A fired his own weapon three times at Subject 1. Subject 1 fell to the ground and released the gun. Officer A did not fire again because he assessed that the threat was eliminated. One of the other officers came from behind the building and handcuffed Subject 1.

⁵ Attachment 52, page 9, line 15

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CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officers A and B was 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 like to cause death or great bodily harm;
 - 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 by Officers A and B were in accordance with the first condition of CPD's deadly force policy. The officers reported that the way Subject 1 acted when he saw was what drew their attention to him. Subject 1 immediately ran away from the officers when Officer A started to get out of the car to conduct a field interview. Officers A and B followed Subject 1 on foot. Both officers reported that Subject 1 jumped over a fence, stood up, and pointed a gun at them. Subject 1 told IPRA that the gun actually fell to the ground and that it was not in his hand, but he told the detectives that he pulled out the gun so he could throw it. He said that the officers only shot him after they saw the gun in his hand. Subject 1 told IPRA and investigating detectives that, while the gun he had was actually a BB gun, it looked exactly like a black 9mm handgun.