

INDEPENDENT POLICE REVIEW AUTHORITY
Log 1044298/U#11-14

INVESTIGATION

NUMBER: Log #1044298/U#11-14

OFFICER

INVOLVED #1: “Officer A” (Chicago Police Officer); Male/White; 31 years old;
On Duty; Plain Clothes; Year of Appointment – 2002
(Did not fire weapon)

OFFICER

INVOLVED #2: “Officer B” (Chicago Police Officer); Male/White; 33 years old;
On Duty; Plain Clothes; Year of Appointment – 2003

OFFICER

INVOLVED #3: “Officer C” (Chicago Police Officer); Male/White; 36 years old;
On Duty; Plain Clothes; Year of Appointment – 2004

OFFICERS’

INJURIES: None to any officer.

SUBJECT#1 “Subject 1”; Male/Black; 35 years old

SUBJECT#1

INJURIES: Deceased – Gunshot wounds to the head, chest, and leg.

SUBJECT#2 “Subject 2”; Male/Black; 22 years old

SUBJECT#1

INJURIES: None

DATE/TIME: 27 MAR 11 – 1850 hours.

LOCATION: 4039 W. Lexington – vacant lot.

INVESTIGATION:

On 11 APR 11, the R/I attempted to obtain a recorded statement from the Involved Subject, **Subject 2**, who was incarcerated at the Stateville Correctional Center. Subject 2 refused to provide a statement relative to the incident.

In his statement to IPRA on 28 MAR 11, the witness, **Witness 1**, stated that on 27 MAR 11, at approximately 1900 hours, he was in a garage in the 4000 block of west Lexington Street with his friends, “[Male Name],” “[Male Name #2],” and “Witness 3.”¹ “[Male Name #2] left the garage but upon his return, stated that an unidentified black male subject had threatened Witness 3 with a gun and was looking for another unidentified subject. Witness 1 left the garage via the side door and observed an unidentified black male subject holding a gun. He ran away from this individual and fell to the ground, and the unidentified black male subject shot at him from a distance of 15-20 feet. He subsequently ran back into the garage, locking the door behind him. The police came to the garage and asked Witness 3 which way the individual with the gun went. Witness 3 pointed towards the end of the alley and observed the same black male subject who had fired at him walking towards the police, still holding a gun in his hand. The same black male subject then fired his weapon once or twice at the officers, who subsequently returned fire. The black male subject then ran and hid behind a car. The officers then stated, “Throw down your gun, throw up your hands.” Witness 1 stated he observed the same black male subject point the gun he was holding over the top of the same car but did not know if he actually fired it. Witness 1 made no indication that he witnessed the officers shoot the black male subject holding the gun.

In his statement to IPRA on 28 MAR 11, the witness, **Witness 2**, stated that on 27 MAR 11, he was in a garage with Witness 3. He heard an unidentified individual ask Witness 3 about a person named “[Male Name #3].” He turned around and observed a black male subject holding a gun in his hand. The same subject then left the garage and walked to what Witness 2 believed was a vacant lot. He then heard an unknown number of gun shots and Witness 3 then ran to notify the police. The aforementioned black male subject returned to the garage, pointed a gun at him, and again asked about “[Male Name #3].” The same black male subject attempted to open an office door within the garage but left when the police arrived. Witness 2 then identified to the arriving officers where the previously mentioned black male subject had gone. He then heard words to the effect of “Put the gun down” followed by several gunshots. Upon inquiry, Witness 2 stated that he remained in the garage throughout the course of the incident and did not actually witness the shooting.

In his statement to IPRA on 28 MAR 11, the witness, **Witness 3**, stated that on 27 MAR 11, he was in an alley behind a house in the vicinity of 4039 W. Lexington. He was working on a car belonging to an unidentified subject he knew only as “[Nickname].” Two unidentified male subjects armed with handguns approached him and asked about a subject named “[Male Name #4].” Upon inquiry, Witness 3 stated that a subject only known to him as “Witness 4” accompanied him to work on “[Nickname]’s” vehicle. He added that there were several unidentified individuals in the garage watching television while he and “Witness 4” worked on “[Nickname]’s” automobile.

1. Witness 1 had no further information regarding “[Male Name]” and/or “[Male Name #2].”

INDEPENDENT POLICE REVIEW AUTHORITY

Log 1044298/U#11-14

“Witness 4” then ran from the garage and was followed by the two unidentified subjects bearing handguns, who walked down the alley away from the garage. “Witness 4” returned to the garage with three male, plain-clothed officers and Witness 3 pointed in the direction in which the two armed black males had left the scene. The three officers then proceeded in the same direction but Witness 3 remained near the car on which he had been working. He then heard an unidentified voice telling an unidentified individual to drop a gun, but he did not hear any response. Immediately thereafter, Witness 3 heard a single gunshot, followed by a momentary pause, and then multiple gunshots. Additional police officers arrived on the scene and prevented anyone from moving to where the shots had been fired. Later, officers came to Witness 3 and asked him if he would go to the police station with them. Witness 3 indicated that he did not actually witness the shooting.

In his statement to IPRA on 28 MAR 11, the witness, **Witness 4**, stated that on 27 MAR 11, he was in a garage in the alley of Lexington Street with Witness 3 and two other unidentified individuals. While they were working on a car, two black male subjects came into the garage while armed with handguns. One of the two offenders² placed the barrel of his gun against Witness 3’s head and asked him about “[Male Name #4].” Subject 1 and Subject 2 then took Witness 3 out of the garage and walked him to a vacant lot, towards a gold colored vehicle. Witness 4 then ran out of the garage to the corner of Lexington Street and Pulaski Road. At that location, he encountered several police officers and told them about the offenders who had entered the garage in which he was working. Upon inquiry, Witness 4 stated that Subject 2 stood behind Subject 1 when they were in the garage, and they and Witness 3 were on the opposite side of the vehicle. When these three individuals left, Witness 4 ran out in order to locate the police.

Witness 4 then heard a single gunshot originating from that area of the same garage and got into the squad car with officers. He directed the officers to the previously mentioned garage where Witness 3 was standing. The officers exited the vehicle and grabbed Witness 3, but both he and Witness 4 indicated that they had wrong individual. Witness 3 told the officers that the offenders had moved into the vacant lot next to the garage and the officers then went to the location. Witness 4, who was still in the back of the squad car, then heard a second gunshot and the officers yell “Drop your guns.” The officers subsequently identified their office and a “gunfight” erupted between the officers and Subject 1 and Subject 2. Once the shooting had stopped, Witness 4 exited the squad car. Upon inquiry, Witness 4 stated that he was in the back seat of the squad car during the time when the officers were firing their weapons. He indicated, however, that when he heard the second gunshot, he laid on the floor of the squad car so as not be hit. Witness 4 added that he heard about a dozen gunshots during the course of this incident.

On 13 APR 11, the R/I spoke with the witness, **Witness 5**.³ Witness 5 stated that on 27 MAR 11, he was in a friend’s garage watching television while other individuals were working on a vehicle in another part of the structure. At some point, Witness 5 heard an unidentified individual make a comment that another unidentified individual was in possession of a gun. Witness 5

2. Witness 4 identified Subject 1 and Subject 2 as the offenders from previous Central Booking photographs shown to him after the conclusion of his statement. He also identified Subject 1 as the individual who placed his gun against Witness 3’s head. See Attachments 79 and 80 for specific details.

3. Witness 5 was identified as a witness to this Officer Involved Shooting while IPRA investigators were at Area 4 during the preliminary investigation phase. Although Witness 5 was brought to the Area by detectives, he was unable to remain there until an IPRA investigator could interview him.

INDEPENDENT POLICE REVIEW AUTHORITY

Log 1044298/U#11-14

immediately dropped to the floor and a short time later heard several gun shots. He did not, however, observe who fired the gunshots or at whom they were directed. Additionally, Witness 5 stated that he did not observe anyone come into the garage while armed with a handgun.

A **Canvass** of the area on 28 MAR 11, identified **Witness 6** as a witness to the incident. Witness 6, who lived at XXXX W. Lexington, indicated that she observed the incident from her second floor bedroom window. She stated that she observed an unidentified individual lying on the ground next to a parked, gold colored vehicle. The subject was lying on the passenger side of the same automobile, which was in the vacant lot next to her building. A male police officer was pointing his gun downward while standing over the subject lying on the ground. The same officer then fired four times at the subject but, according to Witness 6, the subject had already been shot by the police. The same officer, accompanied by an unidentified second officer, then searched the subject's pockets and stated the same subject was in possession of two guns. Witness 6 refused to provide a formal statement as she was advised by her father, a former Chicago Police Officer, not to do so. Additional attempts to obtain a statement from Witness 6 were unsuccessful.⁴ No additional witnesses from multiple canvasses were identified.

In her statement to IPRA on 26 JAN 12, the witness, **Witness 7**,⁵ stated that on 28 MAY 11, she, Subject 1, Subject 2, and a third person known only to her as "[Nickname #2]" were in a van. Subject 1 drove the vehicle as the four individuals were "driving around, listening to music," and smoking marijuana. He parked the vehicle at Fifth Avenue and Karlov Street, and told her and "[Nickname #2]" that he and Subject 2 had "something to do" but offered no further details. Upon inquiry, Witness 7 stated that she knew Subject 1 through Subject 2, who is a childhood friend. She added that she did not observe either Subject 1 or Subject 2 to be armed while they were in the van.

"[Nickname #2]" exited the van shortly after Subject 1 and Subject 2 and the left area. Witness 7 contemplated doing the same but choose to remain in the vehicle as the keys were still in the ignition. A few minutes later, Subject 2 returned to the van and stated "Put your seat back! Put your seat back!" Witness 7 moved from the front driver seat to the front passenger seat and asked about Subject 1's whereabouts. Subject 2, however, again stated "Put your seat back!" Witness 7 attempted to exit the van but was unable to do so as several police officers surrounded the vehicle while pointing their weapons at them. The officers removed Witness 7 and Subject 2 from the vehicle, handcuffed and searched them, and placed them in a squad car. Witness 7 stated that Subject 2 appeared to be "real nervous" when he returned to the van and she suspected that "something was wrong" as he returned without Subject 1. She added that she did not hear any gunshots due to the volume of the radio.

The police searched the van and recovered an unknown amount of heroin. Witness 7 was

4. Additional telephone calls were made to Witness 6 on the days immediately following this incident. She did not, however, respond to any of the voicemail messages left for her. Approximately one week after this incident, the R/I conducted a personal visit to Witness 6's residence but spoke with an unidentified black male subject who indicated that he did not know Witness 6 nor did she reside with him. Witness 6 was served with a subpoena but did not comply with its terms. (See attachments 48 and 53 for specific details regarding the service of the subpoena and the R/I's reports regarding the resulting conversations).

5. Witness 7 was identified as a witness to this incident via the Detective Reports. Her identity and involvement in this incident were unknown until receipt and review of the aforementioned documents.

INDEPENDENT POLICE REVIEW AUTHORITY

Log 1044298/U#11-14

transported to the 011th District Station and questioned about the incident by detectives. She was charged with Possession of a Controlled Substance and subsequently sentenced to 30 days in Cook County Jail.⁶ Witness 7 later learned that Subject 1 and Subject 2 left the van to rob an unidentified person and Subject 1 was shot by the police. She did not, however, witness the police shoot him. Witness 7 stated that she was “high” at the time of this incident from smoking marijuana. As the R/I was preparing a Sworn Affidavit for Witness 7 to review and sign, she indicated that some of the answers she provided during her interview were not accurate. The R/I and Witness 7 discussed what was inaccurate and she subsequently agreed to provide a second recorded interview to clarify and correct any inaccuracies made during her initial interview.

Witness 7 stated that she knew Subject 1 and Subject 2 were in possession handguns while in the van. She asked them what they were planning to do and Subject 1 replied that they were “going to take care of business.” Subject 1 indicated that he and Subject 2 were going to rob someone but did not provide any additional details. Witness 7 then asked to be dropped off as she did not want to become entangled in Subject 1 and Subject 2’s criminal activity. When Subject 1 parked the van at Fifth Avenue and Karlov Street, he told Witness 7 to wait for them and roll another [marijuana] joint. Witness 7 stated that she did not exit the van when she had a chance to do so because she knew that Subject 1 and Subject 2 were not going to hurt her. She indicated she changed her account of the incident during her initial interview because she did not know if the R/I would bring criminal charges against her if she admitted to her part in any criminal conduct.

The **Arrest Report** for Subject 2 reflects that arresting officers responded to a call of “Shots Fired at the Police and by the Police” in the 4000 block of West Lexington Street. They monitored a Flash Message of a black male fleeing north, on foot, from the scene. The same officers subsequently located Subject 2 hiding in a mini-van. Subject 2 was ordered to exit the vehicle and as he did so, the officers observed a plastic bag containing suspect heroin directly underneath where he was observed lying on the floorboard. Subject 2 was placed in custody and transported to Area Four for further investigation. He was later identified as one of two individuals who fired a gun towards police officers at 4039 W. Lexington.

The **Tactical Response Reports** completed by Officers B and C reflect that Subject 1 was an Assailant, brandishing a weapon. Officer C discharged his weapon 14 times and Officer B discharged his weapon six times in response to Subject 1’s actions. The Tactical Response Report completed by Officer A reflects that Subject 1 was an Assailant, brandishing a weapon. Officer A, however, did not fire his weapon.

The **Detective Supplemental Report** provided a general account of event, listed all of the involved officers and civilian witness, and provided their accounts of the incident; the accounts of the civilian witnesses and officers interviewed by detectives were essentially the same as provided to IPRA investigators. The detectives conducted a canvass of the area of this incident but did not locate any additional eyewitnesses. During the canvass, the detectives spoke with Witness 6 who stated that she was in her residence at the time of the shooting and heard multiple gunshots. She ran out on to her back porch and observed unidentified police officers run up to an unidentified individual and

6. The R/I searched CLEAR and the Cook County Clerk’s Computer system to confirm Witness 7’s arrest and sentence related to this incident. No arrest report, criminal indictment number or other documentation could be located.

INDEPENDENT POLICE REVIEW AUTHORITY

Log 1044298/U#11-14

handcuff him.

Subject 2 was interviewed by detectives and stated that he has known Subject 1 since he was a child. Subject 1 became upset with an individual named [Male Name #4] regarding narcotic sales that were taking place near the location of this incident. On the afternoon of 27 MAR 11, Subject 2 was with Subject 1 in a van when an unknown individual fired several gunshots at them. The two individuals toured the area and located the individual they believed had shot at them. They subsequently gave chase to that subject who was in another vehicle that possibly belonged to [Male Name #4], but eventually lost sight of it. They made their way to Subject 1's house and retrieved two handguns, and then purchased some marijuana. They smoked the cannabis while driving around the neighborhood searching for [Male Name #4] and/or his vehicle. Subject 2 and Subject 1 found a vehicle they believed to be [Male Name #4]'s, and after damaging it, they left the area to purchase more marijuana and pick up Witness 7. Subject 1 then drove the van to Fifth Avenue and Roosevelt Road, where he parked it, and he and Subject 2 then exited the same. Subject 2 and Subject 1 then returned to the location where they had damaged the aforementioned automobile in order to locate [Male Name #4]. Subject 1 went into a garage looking for [Male Name #4] but Subject 2 remained in an adjacent vacant lot. At that time, he observed a police car pull into the alley and then immediately fled north, back to the aforementioned van. Shortly after he entered the van, he and Witness 7 were placed in custody. Subject 2 indicated that he did not see any shots being fired but only heard them as he ran from the scene.

The Detective Supplemental Report also notes: four 9mm casings were located behind a parked vehicle at 4035 W. Lexington; and multiple .45 caliber casings were located in the alley near a parked vehicle and light post. Subject 1 was noted as lying on the ground with a .38 caliber revolver a few inches from his head.

A **POD** located at the intersection of Fifth Avenue and Pulaski Road did not record this incident.

OEMC Event Queries reflect that a report of Shots Fired by Police was made at 1908 hours on the 4000 block of West Lexington. At 1910 hours, a heavy set male subject was reported running northbound in the area of Fifth Avenue and Karlov Street. Two subjects were initially reported as being shot but that was later clarified as only one subject was shot. One of the calls was placed by Witness 6 while another was placed by a subject identified as [Telephone Caller #2].⁷ A third call was placed to 911 at 2137 hours by [Telephone Caller # 3], who resided at XXX S. Karlov Street. Witness 3 indicated there was a bullet hole in her front window and lodged in a wall of her residence. She added her daughter heard the aforementioned glass break at approximately 1700 hours.⁸

A review of **OEMC recorded telephone calls** identified three telephone calls made to 911 directly in relation to this Officer Involved Shooting. Two of the aforementioned calls only reported shots fired in the vicinity of Lexington Street and Pulaski Road. The remaining telephone call was

7. Attempts to interview [Telephone Caller #2] were unsuccessful. The R/I made contact with family members via a personal visit and spoke with him via telephone. An attempt to serve him with a subpoena was unsuccessful.

8. The R/I made a personal visit to this address during a second canvass and spoke with [Daughter], Telephone Caller #3's daughter. [Daughter] subsequently confirmed what she reported to OEMC to the R/I.

INDEPENDENT POLICE REVIEW AUTHORITY

Log 1044298/U#11-14

made by an unidentified female subject who requested an ambulance at XXXX W. Lexington. She reported that she believed that the police had shot an unarmed male subject behind her residence. The same caller went on to say that she witnessed the police shoot the unarmed subject who was underneath a car. She added that she observed a “man down” and the police were shooting at him while he was on the ground.

Evidence Technician photographs of the scene of this incident depict the alley in which the shooting occurred, the location of a beige colored vehicle, and 20 evidence markers. The same photographs also depict Subject 1 lying on the ground next to the aforementioned vehicle with a revolver near his head.

The **Report of the Office of the Cook County Medical Examiner** noted that a postmortem examination of Subject 1 was conducted on 28 MAR 11, by Doctor A.⁹ Doctor A’s examination noted small abrasions on the left upper cheek, lower left lip, and left abdomen, and four gunshot wounds. A bullet was recovered and inventoried during the examination. Toxicology tests note the presence of ethanol in Subject 1’s blood stream but were negative for the presence of opiates/stimulants. Doctor A noted the cause of death to be a result of multiple gunshot wounds and the manner a homicide.¹⁰

Blood-Alcohol testing following this incident found no traces of alcohol or controlled substances in the blood of either Officer C or Officer B.

A report from the **Illinois State Police, Division of Forensic Services**, dated 24 APR 12, reflects that Subject 1 and Subject 2’s weapons were found to be in firing condition and test fired. A similar report dated 14 JUL 11 reflects that the weapons of Officers B and C were found to be in firing condition and test fired.

A report from the **Illinois State Police, Division of Forensic Services**, dated 24 MAY 11, reflects that Subject 2 had primer gunshot residue on his left hand but the origin of such could not be determined. A similar report dated 16 JUL 11, reflects that Subject 1 had primer gunshot residue on his right hand which was from discharging a firearm.

A report from the **Illinois State Police, Division of Forensic Services**, dated 24 OCT 11, reflects that no latent impression suitable for comparison were obtained from the gun Subject 1 was holding.

In his statement to IPRA on 18 APR 12, **Officer D**, indicated that on 27 MAR 11, at approximately 1850 hours, he was working Beat 1134, with Officer E as his partner; he was wearing a uniform and assigned to a marked vehicle. At the aforementioned time, he and Officer E were traveling south on Pulaski Road and noticed that another unit was conducted a street stop. The officers made a u-turn in order to assist the other unit¹¹. Shortly after exiting his vehicle, Officer D heard a single gunshot originating from off to his west. A moment latter, an unidentified black male

9. IPRA Investigator A, attended the attended the autopsy of Subject 1; her report is Att. #35.

10. The Medical Examiner photographs were obtained and depict the gunshot wounds noted in Doctor A’s report. See Att. #62.

11. Officer D identified the unit as Officers A, B, and C.

INDEPENDENT POLICE REVIEW AUTHORITY

Log 1044298/U#11-14

subject wearing a mechanic's uniform came running towards them, and stated that there were individuals shooting at him at the end of the block. Officer B and his partners placed this individual in the back of their squad car and proceeded down the alley.¹² Meanwhile, Officers D and E proceeded westbound on Polk Street. As Officer D was exiting the squad car once it came to a stop in the "T" part of the alley in between Polk and Lexington Streets, he heard a call of "Shots fired by the police." He then looked down the alley, back towards Pulaski Road, and observed Officer B and his partner taking cover. Upon inquiry, Officer D indicated that the "T" part of the alley was east of Karlov Street, which is the first north/south street west of Pulaski Road.

Officer D then heard his partner, who was standing behind him, yell "He's running." Officer E then ran north from the scene pursuing an offender on foot while Officer D followed them. Just before reaching Lexington Street, Officer D heard additional gunshots but continued his foot pursuit. He and Officer E eventually lost sight of the offender but continued searching for him as they made their way back to the scene of the incident. When they arrived at that location, they observed that Officers B and C had one of the offenders on the ground but that subject appeared to be dead. The other officers on the scene then made the proper notifications and began securing the scene. Upon inquiry, Officer D stated that he followed Officer E during the foot pursuit, and did not know what occurred between the involved officers and the other offender. Thus, he did not witness the aforementioned officers discharge their weapons.

In his statement to IPRA on 19 APR 12, **Officer E**, the witness, provided essentially the same account of the incident as Officer D. He added that when he entered the "T" portion of the alley in between Lexington and Polk Streets, he observed an unidentified male individual running from the scene and immediately gave chase to him. Officer E indicated that he did not observe the Involved Officers discharge their firearms.

In his statement to IPRA on 28 MAR 11, Involved **Officer B**, indicated that on the date of this incident, at 1850 hours, he was working with Officer C, and Officer A, while dressed in plain-clothing. He and his partners were conducting a street stop at the location of Pulaski Road and Lexington Street. An unidentified black male approached them and stated there were individuals shooting guns in the alley. The officers entered the unmarked squad car with the same black male subject and proceeded west in the alley south of Lexington Street. They pulled up to a mechanic's shop and there were several unknown individuals standing outside the shop. Officer B asked one of them if he was carrying any weapons on him and the person replied, "No". One of the other individuals standing there said the people with the guns were in a nearby vacant lot. Upon inquiry, Officer B stated that Officer C was the driver of the squad car while Officer A was in the back passenger seat with the black male witness when they pulled into the alley.

Officer B then observed two black male subjects, who were each holding a handgun in their right hand, running south through a vacant lot. He moved into the alley and observed that Subject 1 was looking at him. Then Officer B observed a single flash from the muzzle of the weapon Subject 1 was holding. He then heard a single gunshot and returned fire at Subject 1 who was standing by the car where his dead body was ultimately located. Upon inquiry, Officer B stated that he was standing about 15 to 20 feet away from Subject 1 when he discharged his weapon. Officer B, fearing for his

12. The alley between Lexington and Polk Streets has direct access to Pulaski Road.

INDEPENDENT POLICE REVIEW AUTHORITY

Log 1044298/U#11-14

life, discharged his firearm five to six times and stopped shooting when the weapon failed to chamber a bullet. He quickly ejected the weapon's magazine and reinserted it into the firearm and chambered a bullet while he approached Subject 1. Subject 1, however, was attempting to take cover behind the aforementioned automobile while Officer B was yelling for him to drop his gun.

Officer C then approached Subject 1 from the opposite direction while yelling for him to drop his gun. As he approached Subject 1, Officer C fired his gun five to seven times. Officer B, however, did not actually observe Officer C do so. Once Officer C stopped firing his weapon, he glanced at Officer B and nodded his head. Officer B then moved from his position behind the car of which Subject 1 had sought cover and noticed that Subject 1 was not moving. He subsequently returned his weapon to its holster and handcuffed Subject 1, but believed that he had already been killed. Officer B then called for an ambulance and reported shots fired by the police. He indicated when he handcuffed Subject 1, he observed a small, dark colored revolver nearby. Shortly thereafter, additional police units and an ambulance arrived on the scene.

In his statement to IPRA on 28 MAR 11, Involved **Officer A**, stated that on the date of this incident, at 1850 hours, he was working Beat 6743H, with Officers B and C. He and his partners were involved in a traffic stop in the 700 Block of South Pulaski when he heard what might have been a gunshot. Approximately 30 seconds later, an unidentified individual¹³ ran up to him and told him that two unidentified males were in the alley, armed with guns, and were shooting. Officer A, his partners, and the unidentified individual then entered their squad car and drove west in the alley south of Lexington Street without the vehicle's emergency equipment activated. The individual in the squad car identified himself as a mechanic and Officer C, who was driving the squad car, stopped the police vehicle near the garage¹⁴ where the witness and other mechanics were known to work. An unidentified black male was standing in front of the same garage and indicated that he was not the individual who was shooting, and pointed to his west.

The witness in the back of the squad car then observed the offenders in a nearby vacant lot¹⁵ and identified them to the officers. Officer A then exited the squad car and observed two black male subjects, who were 20-25 feet away, holding handguns. One of the two subjects¹⁶ pointed his weapon at the officers and Officer A then observed a muzzle flash. He immediately instructed Subject 1 to drop his weapon and identified himself as a police officer several times. Officers B and C then returned fire, but Subject 1 moved and took cover behind a vehicle in the same lot in which he was standing. Officer C, who was facing Subject 1, continuing shouting for him to drop his weapon while firing at him. Upon inquiry, Officer A stated that he was standing near the driver side of the police vehicle when his partner started firing at Subject 1. His partners were standing in front and off to the right of him, and due to the fact that they were moving with Subject 1, Officer A did not fire his weapon for fear of striking the other officers. Officer A indicated that he did not know how many times Subject 1 fired at him, and Subject 2, to the best of his knowledge, did not fire his weapon but fled northbound from the scene. He added that the witness in the police ran into the garage when Subject 1 fired at the officers.

13. Officer A did not know the identity of this witness.

14. Officer A stated that the garage was located at 4035 W. Lexington.

15. The address of this lot was 4039 W. Lexington.

16. Officer A identified this individual as the deceased, Subject 1

INDEPENDENT POLICE REVIEW AUTHORITY

Log 1044298/U#11-14

After Officer C fired at Subject 1, he told Officer B to go and handcuff him, as Subject 1 was down and was no longer firing at them. Immediately thereafter, additional units arrived and began securing the scene. A call was also placed for an ambulance to respond to their location. Officer A indicated that he did not know how many times Officers B and C fired at Subject 1 and/or Subject 2.

In his statement to IPRA on 28 MAR 11, Involved **Officer C**, stated that on 27 MAR 11, at 1850, he was working Beat 6743B, with Officers A and B as his partners. At the aforementioned time, he and the other officers were at the location of Pulaski Road and Lexington Street when an unidentified male black came running up to them. This individual told the officers that two male subjects were in an alley, armed with guns, and were going to shoot him. The three officers had the unidentified black male get into the squad car so they could drive into the alley and identify the offenders. Officer C drove the police vehicle west into the alley south of Lexington Street without the emergency equipment activated. He came upon an individual working on a car in one of the garages lining the alley, and then stopped the police vehicle and exited while holding his gun. Officer B approached the individual in the garage but the black male in the back seat of the squad car indicated the aforementioned individual was not one of the offenders. Upon inquiry, Officer C indicated that he initially stopped the squad car to determine if the individual he observed working on the automobile was one of the offenders.

Officer C then observed two black male individuals running south through a vacant lot, each holding a black gun in his right hand. He identified these individuals to Officer B, and both officers yelled for them to drop their weapon and identified themselves as police officers. One of the offenders¹⁷, however, turned toward the officers and fired one time in their direction. Officers B and C returned fire at which time the other offender ran northbound away from the scene. Subject 1 subsequently turned around and took cover behind a beige colored vehicle in the vacant lot. The two officers moved towards the same beige vehicle and Officer C situated himself in front of the vehicle in order to observe Subject 1's position. He yelled for Subject 1 to drop his weapon but did not receive any response to his command. Officer C shifted his position and observed Subject 1 kneeling on the ground, and again ordered him to drop his weapon. Upon inquiry, Officer C indicated that he did not know if the second offender fired his weapon. He added that he was approximately ten feet away from Subject 1 after moving towards the beige automobile.

After he was given the second command to drop his weapon, Subject 1 lifted his head, and raised and pointed his gun at Officer C. Officer C then discharged his weapon at Subject 1, striking him in the head, after which Subject 1 fell to the ground. He subsequently signaled to Officer B that he had shot Subject 1, and for Officer B to handcuff him. Officer B handcuffed Subject 1 and called for an ambulance. Officer C indicated that he fired 14 rounds during the course of this incident.

CONCLUSION AND FINDINGS:

This investigation found that the use of deadly force by the involved officers was in compliance with Chicago Police Department policy. According to the Chicago Police Department's

17. Officer C identified this individual as Subject 1.

INDEPENDENT POLICE REVIEW AUTHORITY

Log 1044298/U#11-14

General Order G03-02-03, Section II:

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.

Based upon the evidence obtained as a result of this investigation, the actions of Officers B and C were in compliance with the aforementioned General Order regarding the use of deadly force. The actions of Subject 1 and Subject 2, the latter in particular, clearly demonstrated that they posed an imminent danger of great bodily harm to the Officers and other individuals who were at the location of this incident. The statements of the witnesses are consistent in describing how the offenders used their guns in a threatening manner towards them. Forensic evidence revealed gun powder residue on Subject 1's hands which was determined to have come from his firing of a gun. This fact, combined with the officer's accounts of the incident, show that Subject 1 fired at officers giving them ample reason to fear for their lives and possibly those of the individuals in the garage. That being the case, Officers B and C acted within the guidelines of the use of force model and applicable general orders when they fired at Subject 1.