

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1044594 / U# 11-16

**INVESTIGATION**

**NUMBER:** U# 11-16, Log # 1044594

**INVOLVED**

**OFFICER #1:** "Officer A" (Chicago Police Officer); Male/Hispanic; 46 years old;  
On Duty; In Uniform; Year of Appointment – 1991

**OFFICER #1's**

**INJURIES:** None Reported

**INVOLVED**

**OFFICER #2:** "Officer B" (Chicago Police Officer); Male/White; 41 years old;  
On Duty; In Uniform; Year of Appointment – 1999

**OFFICER #2's**

**INJURIES:** None Report

**SUBJECT:** "Subject 1"; Male/Black; 18 years old

**SUBJECT**

**INJURIES:** Through and through gunshot to the right thigh.

**INITIAL**

**INCIDENT:** Shots fired

**DATE/TIME**

**OF INCIDENT:** 08 April 2011 @ 2243 hours

**LOCATION:** 8128 S. Maryland-in the alley.

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**Summary of Incident:**

On 08 April 2011, at approximately 2243 hours, Officer A and Officer B, working BT 4223B, were in uniform and a marked police vehicle, working Target Response Unit (253). The officers responded to a call of “shots fired” in the vicinity of 8100 S. Cottage Grove. While driving southbound on South Cottage Grove toward 82<sup>nd</sup> Street, the officers observed two black males, one subsequently identified as Subject 1, and a black female walking northbound on the west sidewalk of South Cottage Grove. The officers made a decision to approach the group, though the black males and black female had already walked past the officers’ vehicle. Officer A, the driver, made a u-turn to drive northbound on South Cottage Grove toward the group. From the vehicle, Officer A instructed the black males and the black female to approach the police vehicle. Subject 1 fled on foot, southbound and then eastbound across South Cottage Grove into the parking lot of an AutoZone store located at 8130 S. South Cottage Grove.

Officer B exited the vehicle and began to pursue Subject 1 on foot; meanwhile, Officer A pursued Subject 1 in the police vehicle. Officer A overtook Officer B during the brief pursuit. Subject 1 turned northbound into an alley behind the AutoZone store with Officer A driving close behind. Officer A struck Subject 1 with the front of the police vehicle, knocking him to the ground. Officer A exited his vehicle and as Subject 1 got to his feet, he pulled a 12-gauge shotgun out from under his clothing and pointed it toward Officer A before tossing it upward onto a nearby roof. At the same time Subject 1 pointed the shotgun at Officer A, Officer A fired three (3) rounds at Subject 1, striking him in the right thigh. Officer B entered the alley after hearing the shots fired by Officer A, but he did not witness the shooting.

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**Investigation:**

On 22 April 2011, on the advice of legal counsel, **Subject 1** refused to provide an interview to IPRA. (Att# 25)

**Arrest and General Case Reports** associated with Subject 1 documents that Subject 1 pointed a shotgun in the direction of Officer A. The weapon was identified as a sawed off shotgun with a barrel under eighteen inches. (Att #4)

**Supplementary Case Reports** documents that detectives requested and received the telephone records for Subject 1's mobile telephone (773-XXX-XXXX) in an attempt to locate the two people with Subject 1 on 08 April 2011, with negative results.

**Tactical Response and Officer's Battery Reports** documents that Subject 1 became an active resister in that he fled the area on foot and his subsequent actions elevated him to an assailant because he used force likely to cause death or great bodily harm in that Subject 1 pointed a shotgun at Officer A. (Att #7, 8)

The **Synoptic Report** obtained from the Bureau of Professional Standards documents that due to the fact that Officer A was transported to Little Company of Mary Hospital and placed under a doctor's care on the date of the incident, 08 April 2011, the BAC test was not administered. On 11 April 2011, Officer A provided a urine sample to IAD. The sample was labeled and sealed under numbers 23146743 and 4931648. (Att #30)

**Surveillance video** obtained from AutoZone (09 April 2011) depicts a black male, now known as Subject 1, running through the parking lot of the AutoZone. As Subject 1 is running, a police vehicle appears in the frame. Subject 1 runs in front of the police vehicle and it appears that the police vehicle may have struck Subject 1 before he falls to the ground. Officer A exits the vehicle, and suddenly Subject 1 comes to his feet, produces a shot gum from his person, and raises the weapon in the direction of Officer A. Officer A extends his arms forward and simultaneously Subject 1 falls backwards to the ground, as his arm continues in an upward motion. The shotgun is visible on the roof of a garage. Officer B arrives in the frame on foot. (Att #39)

**The Crime Scene Processing Report** documents the location and recovery of the weapon utilized by Subject 1; the weapon utilized by Officer A; the location of the fired evidence; the clothing worn by Subject 1; and the location of blood evidence.

**Evidence Technician photographs and videotape** depict images of the location of incident; the fired evidence; the involved police vehicle; and the shotgun associated with Subject 1. (Att #19, 21)

**OEMC records** documents that several individuals, including a female caller who identified herself as off-duty Chicago Police Officer C, contacted 911 and reported shots fired in the area of 86<sup>th</sup> and Indiana and 83<sup>rd</sup> and Drexel.

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A resident of 8XXX S. Maryland did not witness the incident, but contacted 911 and reported hearing five gunshots behind their residence. (Att #33)

**Chicago Fire Department (CFD) EMS Run Report** associated with Subject 1 documents that paramedics observed Subject 1 sitting in the alley handcuffed and covered in blood. Subject 1 informed CFD personnel that he was shot three to four times. Subject 1 was found to have one gunshot wound. The entrance wound was to the upper right thigh and the exit wound was to the rear upper right thigh. No other wounds or injuries were noted. (Att #18)

**Medical Records** obtained from **Christ Hospital** documents that Subject 1 sustained a gunshot wound to the right thigh. No other injuries were noted. Subject 1 was treated and returned to the custody of the Chicago Police Department on 04 April 2011. (Att #38)

**Illinois State Police (ISP) Lab Reports** documents that the weapon, a Glock, model 17, 9mm semi-automatic pistol associated with Officer A was found to be in good firing condition. The barrel has rifling characteristics of six polygonal lands and grooves with a right twist. (Att #34)

**Illinois State Police (ISP) Lab Reports** documents that the weapon, a Kessler Arms model 128 FR, 12-gauge bolt-action shotgun with no serial number associated with Subject 1 was found to be in firing condition. Test shots were unsuitable for entry into the IBIS database. (Att# 35)

In a **digitally recorded interview** taken on 05 May 2011, at 1037 hours at IPRA, **Officer B** stated that on the date of the incident he was working 4223B, in full uniform, with Officer A assigned to the Target Response Unit (253) Officer B and Officer A were on patrol in the 006<sup>th</sup> District when they responded to a call of "shots fired" in the area of 82<sup>nd</sup> Street and Cottage Grove.

The officers were traveling southbound in the 8200 block of Cottage Grove when they observed three individuals, a black female and two black males walking from the direction of the call. As the officers approached, Officer B observed the black male closest to the passenger side of the vehicle wearing a dark hoodie with his hands in his pockets. Officer B also noticed a bulge under the hoodie. Officer A, the driver of the police vehicle, executed a u-turn and the officers drove closer to the black males and the female. Officer A rolled down his window and instructed the group to walk to the vehicle. Suddenly, the young male in the hoodie<sup>1</sup> looked at the officers, turned and fled southbound on Cottage Grove on foot. Officer B, with his weapon drawn, exited the vehicle and gave commands to stop before giving chase. Officer A turned the vehicle around and gave pursuit in the police vehicle.

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<sup>1</sup> Now identified as Subject 1

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Officer B, still unable to see Subject 1's hands, continued running after him and observed Subject 1 run across Cottage Grove and into the parking lot of the AutoZone. Officer A, in the police vehicle, entered the AutoZone parking lot and was behind Subject 1. Subject 1 ran further into the parking lot followed by Officer A. Officer B lost sight of the two and then heard two loud gunshots. Officer B ran wide in an effort to see around the corner of the parking lot. Officer B observed Officer A, who was out of the vehicle, further in the alley behind the AutoZone, and observed Subject 1 lying on the ground.

As Officer B approached Officer A he observed Officer A's arm raised and his hand pointing to the roof of a garage. Officer A repeated several times, "It's up there." Officer B then holstered his weapon as additional officers arrived on the scene. An unknown officer handcuffed Subject 1 while Officer B accompanied Officer A to the roof of the garage where they located, but did not touch, the shotgun. Evidence Technicians on the scene recovered the shotgun from the roof the garage.

Officer B related that he did not observe a weapon in Subject 1 hands and did not observe him fire a weapon. Officer B did not observe Officer A fire his weapon. Officer B related that he had no knowledge of the whereabouts of the other man and woman who were seen walking with Subject 1 before the incident. (Att #27)

In a **digitally recorded interview** taken on 10 May 2011, at 1010 hours, **Officer A**, stated that on the date of the incident he was working 4223B, in full uniform, Officer A was the driver of the police vehicle. Officer B and Officer A were on patrol in the 006<sup>th</sup> District when they responded to a call of "shots fired" in the area of 82<sup>nd</sup> Street and Cottage Grove. Officer A drove in the direction of where the shots fired was reported. While in the area, Officer A observed two black males and a black female walking northbound on Cottage Grove at 81<sup>st</sup> Street. The group appeared to be walking from the direction of the shots fired call. Officer A told Officer B that he wanted to "check them out." Officer A stated, "I want to put a stop on them."<sup>2</sup> Officer A pulled his police vehicle in front of the group. One of the black males, later identified as Subject 1, had his hands underneath his sweater and looked in the direction of Officer A. Officer A instructed the group to come to the police vehicle. Suddenly Subject 1 took off running on foot. Subject 1 ran southbound with his hands underneath his coat. Officer B exited the vehicle and gave chase on foot. Officer A, still unable to see Subject 1's hands, placed the police vehicle in reverse and gave chase while providing his location via the radio.

Subject 1 crossed over the east side of Cottage Grove, ran southbound into the parking lot of the AutoZone, and then eastbound toward the east alley of Cottage Grove. Streetlights and artificial lighting from the parking lot illuminated the area. Officer A observed that Subject 1 moved his hands to his sides and he appeared to be holding his side. Officer A fearing that Subject 1 had a weapon and would possibly turn and fire at him, nudged Subject 1 with the front bumper of the police vehicle in an effort to protect himself. Officer A was not traveling at a high rate of speed. Subject 1 fell to the ground

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<sup>2</sup> Att #29, Page 6, Lines 16-18

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and Officer A stopped the vehicle. Officer A opened the vehicle's door to exit, with his weapon drawn. Subject 1 immediately jumped up from the ground and faced Officer A. Officer A clearly saw the weapon as it came out from under Subject 1's clothing. Subject 1 pointed the weapon<sup>3</sup> in the direction of Officer A who had no time to give verbal commands to drop the weapon. As Officer A fired at Subject 1, he (Subject 1) threw the weapon in an upward motion toward the rooftop of a garage at 8128 S. Maryland and then fell to the ground. Officer A immediately informed OEMC via the radio, of the officer involved shooting and requested an ambulance.

Officer B arrived on the scene and Officer A stated, "The weapon is—is on—the garage —on top of the garage."<sup>4</sup> Officer A asked Officer B to help him up onto the roof so that he could secure the weapon. Officer A stayed on the roof until additional officers arrived on the scene. Officer A informed the first supervisor to the scene, CPD Sergeant 1, that the weapon was on the roof of the garage.

Chicago Fire Department personnel arrived on the scene and Officer A was transported to Little Company of Mary Hospital for treatment. Doctors diagnosed Officer A with post-traumatic stress. Doctors prescribed Officer A with medication to calm him down and to allow him to sleep.

Officer A stated that because he was taken to the hospital and given medication, he did not take the Breathalyzer as required by CPD policy. Officer A took the urine test on 11 April 2011.

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<sup>3</sup> Described as a shotgun, rifle.

<sup>4</sup> Att# 29 Page 15, Line 17-19

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### **Conclusion:**

This investigation found that the use of deadly force by the involved Officer A was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order 02-08-03, Section 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.

Officer A related that he and his partner attempted to engage and possibly interview Subject 1, who had his hands concealed under his sweater, and his companions in regards to an earlier call of shots fired in the area. Subject 1 and his companions fled the area on foot. The officers gave chase with Officer B on foot and Officer A inside the police vehicle. Officer A observed that as Subject 1 fled he was holding the side of his body. Having the knowledge of shots fired in the area, and observing Subject 1 holding his side and possibly having a weapon, Officer A fearing for his safety, bumped Subject 1 with his police vehicle, causing him to fall to the ground. As Subject 1 came to his feet, he produced a shotgun from under his clothing and pointed the weapon in the direction of Officer A. Officer A, being in fear for his life, discharged his weapon striking Subject 1 in the thigh before taking him into custody.