

INDEPENDENT POLICE REVIEW AUTHORITY
Log #1044669/U #11-17

INVESTIGATION

NUMBER: Log# 1044669/U#11-17

OFFICER

INVOLVED: “Officer A” (Chicago Police Officer); Male/Hispanic; 30 years old;
On- Duty; In Uniform; Year of Appointment – 2002

OFFICER’S

INJURIES: #1 None reported.

SUBJECT: “Subject 1”; Male/Black; 23 years old

SUBJECT’S

INJURY: Two gunshot wounds, non-fatal; one to the left side of the abdomen which exited to the right side of the abdomen; one to the left side knee which exited to the right side of the knee. Subject was transported to Stroger Hospital in critical condition.

DATE/TIME

OF INCIDENT: 11 APR 11, 2026 hours.

LOCATION: 5338 W. Van Buren St., Chicago IL

SUMMARY OF INCIDENT:

On 11 APR 11, at approximately 2026 hours, Officers A and B, were on patrol in the area of Beat 1512, in a marked Chevy Tahoe, when they received a call to 54XX W. Van Buren on a report of a suspicious person ringing doorbells in the area. Upon arrival to 54XX W. Van Buren, they did not observe any suspicious persons. They then heard several gunshots or “loud reports” in the area and began a search of the neighborhood. As the two officers drove east on Van Buren, a subject came to their attention. An unknown black male, dressed in dark clothing, who came out from behind a tree. Officer B slowed the vehicle, as Officer A opened the passenger front door, and asked the subject if he had heard any gunshots. The subject failed to respond to the question from the officer. Officer A then asked the subject to come over to their vehicle. The subject began to run west away from the location. Officer A exited the vehicle and began to chase the subject on foot. Officer B observed Officer A chase the subject through his rearview mirror as they ran behind the police vehicle. They ran about 50 feet when Officer B heard Officer A give the command of “let me see your hands.” Officer A then drew his weapon from his holster and fired two gunshots at the suspect. The suspect continued to run for a few more feet before he fell to the ground. The suspect was then placed in handcuffs and secured. A weapon was recovered a short distance from where the suspect had fallen. The suspect was identified as Subject 1, black male, XX JUN XX.

INVESTIGATION:

Witness Police Officer B, related that he and Officer A, were on patrol in the area of Beat 1522, in a marked Chevy Tahoe, when they received a call to 54XX W. Van Buren on a report of a suspicious person ringing doorbells in the area. Upon their arrival to 54XX W. Van Buren, they did not observe anyone suspicious. They then heard several gunshots or “loud reports” in the area and began a search of the neighborhood. As the two officers drove east on Van Buren, an unknown black male, dressed in dark clothing, came from behind a tree.¹ Officer B slowed the vehicle, as Officer A opened the passenger front door, and asked the subject if he had heard any gunshots. Officer A then asked the subject to come over to their vehicle at which time the subject began to run west from the location. Officer A exited the vehicle and began to chase the subject on foot. Officer B observed Officer A chase the subject through his rearview mirror as they ran behind the police vehicle. Officer B decided against chasing the subject in the vehicle so he exited the vehicle and also gave chase. Officer A and the subject ran about 50 feet when Officer B heard Officer A give the command of “let me see your hands.” Officer B was approximately 15 feet and off to an angle behind Officer A and was unable to clearly see the subject’s hands. However, Officer A drew his weapon from his holster and fired two gunshots at the suspect. The suspect continued to run for a few more feet then fell to the ground. The suspect was then placed in handcuffs and secured. A weapon was recovered a short distance from where the suspect had fallen.

Involved Police Officer A, related a similar version of events as Officer B. Officer A further stated that he opened the passenger side door and asked the unknown male subject if he heard shots fired in the area; he also told him to come over to the squad car, at which time the subject took off running.² Officer A announced his office and pursued the subject on foot. Officer A said the subject was running with his right hand in his pockets. As they crossed the street heading westbound towards Central, the subject stopped running, removed his right hand from his pocket, raised his right hand containing a handgun, and pointed it in the direction of Officer A.³ Officer A immediately ordered the subject to show his hands. Officer A, fearing the subject would use the weapon in a deadly manner against either Officer B or himself, discharged his weapon twice, striking the subject. The subject then dropped the weapon and fell to the ground. Officer A said the subject then got back to his feet and ran towards the street again where he collapsed a second time. Officer A approached the subject and placed him in handcuffs.

CPD Detective 1, related that a Davis Industries .380 caliber handgun containing three live shells in the magazine and one in the chamber was recovered; the serial number of this weapon is AP222041 and it was registered to [Gun Owner] of XX W. Washington and reported stolen on 10 AUG 92. Subject 1 sustained a through and through wound to the left abdominal area and one through and through gunshot wound to the left leg (behind the kneecap).

¹ Identified as Subject 1 from Department Reports.

² Now known to be Subject 1

³ Officer A stated that Subject 1 was approximately 5-7 feet away when he pointed a gun in the officer’s direction.

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CPD Detective 1 related that on 12 APR 11, at approximately 1810 hours, he interviewed Subject 1 at Stroger Hospital. CPD Detective 1 advised Subject 1 of his Miranda rights. Subject 1 stated he understood his rights and agreed to speak to CPD Detective 1. Subject 1 related that he ran from the police because he was armed with a handgun. Subject 1 denied pointing the handgun at the police nor did he shoot at the police. Subject 1 then ended the interview by stating he no longer wished to speak to the detectives. CPD Detective 1 returned to Stroger Hospital a short time later to re-interview Subject 1. Upon their arrival they were met by an attorney, Attorney A, who identified himself as Subject 1's attorney and advised CPD Detective 1 that Subject 1 was invoking his Miranda rights and would not speak to the detectives. Subject 1 subsequently invoked his right to remain silent under the 5th Amendment of the United States Constitution when he refused to speak with investigators of the Independent Police Review Authority as well.

In her **statement** to the IPRA on 12 APR 11, a witness, **Witness 1** (a minor, 12 years old), and her mother, Witness 2, who was identified during a canvass, stated that on 11 APR 11, she was on the second floor of her residence at XXXX W. Van Buren, watching television with her brother. The family residence is across the street from where the shooting occurred. Witness 1 looked out of the window to see if her mother was pulling up when she observed a police officer chasing a black male down the street. Witness 1 said the police officer said something to the man, but she was unable to make out what was being said and, at this point, the officer began shooting his gun at the black male. Then the black male fell to the curb. Witness 1 said she did not see anything in the black male's hands, but she also said she wasn't looking at his hands as he ran. Witness 1 believed the man who was shot was the same man who lived across the street from her home. She related that she did not see a gun on the ground after the shooting, but she had seen the man who lived across the street from her with a gun in the past. Witness 1 also stated that prior to the officer shooting the black male, she had heard several gunshots in the neighborhood.

A canvass of the area of this incident did not identify any additional witnesses other than those previously noted.

An **Arrest Report**, Recorded under RD# HT245547, reported that Subject 1 fled from Officers A and B after being stopped and questioned about shots fired in the area. As Officer A pursued him, Subject 1 turned and pointed a handgun at him. Officer A, believing that Subject 1 was going to shoot him, subsequently fired his handgun two times at Subject 1 in defense of his own life. Subject 1 was struck in the stomach and knee and he subsequently dropped the weapon he was carrying and fell to the ground.

The **Detective Supplementary Report** documented that all of the previously mentioned involved and witness officers, as well as Witness 3, Witness 4, and Witness 5 [Witnesses 3,4,5 are Family], were interviewed by detectives as part of the preliminary investigation. All of the aforementioned officers provided essentially the same account of the incident. The [Family] stated they heard the gunshots, then looked out of their window and observed the subject on the ground handcuffed but did not witness the actual shooting incident.

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A **Tactical Response Report** notes that Officer A fired his weapon two times after Subject 1 pointed a weapon at him placing him in fear for his life and that of his partner.

In Car Camera Video The in-car camera video has audio, but does not capture the officer-involved shooting.

OEMC Event Queries note “Shots fired by police,” at 2026 hours, at 5338 W. Van Buren. There were several 911 calls of shots being fired prior to the officer-involved shooting within these records. Numerous calls to 911 were made after the shooting, but none of them were related to the actual incident.

Evidence Technician (E.T.) Photographs depict the location of the incident, photographs of Vehicle #6468, a marked SUV bearing Beat #1512, and the recovered evidence.

A report from the **Illinois State Police, Division of Forensic Services**, dated 05 NOV 11, indicated there were no suitable latent print impressions on Subject 1’s gun, magazine, or four live cartridges.

A report from the **Illinois State Police, Division of Forensic Services**, dated 06 DEC 11, indicated that Subject 1’s gun was examined and found to be in firing condition. The same report noted that a Speer .380 Auto caliber fired cartridge case could not be identified or eliminated as being fired by Subject 1’s weapon.

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 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 Officer A were in compliance with the aforementioned General Order regarding the use of deadly force. Subject 1 presented a grave danger to the lives of Officers A and B when he directly pointed his weapon at Officer A and in the direction of Officer B as they gave chase. Thus, Officer A was within the Department's guidelines regarding the use of deadly force. Subject 1 admits he ran from police because he was armed with a handgun in his original statement to CPD Detective 1 at Stroger Hospital. Subject 1 also stated that he did not point or shoot the handgun at the police during the pursuit. Regardless as to whether or not Subject 1 intended to fire his gun at Officers A and B, his intentions can not be considered a barrier to Officer A's use of deadly force to prevent death or great bodily harm to himself or his partner. The evidence shows that Subject 1's weapon was loaded and in working condition despite his claimed intentions not to fire it.

The witness, Witness 1, stated that she could not tell if Subject 1 was armed or not at the time Officer A shot him. She does state that she observed Officer A chase Subject 1 down the street and subsequently give some form of verbal commands to Subject 1 prior to Officer A shooting him. Witness 1 also indicated the subject she observed handcuffed on the ground looked to be the same person who lived in the home across the street from her residence. This was also the same man she had observed with a handgun on prior occasions. Given these facts as a whole, Officer A's use of deadly force was in compliance with department guidelines.