

INDEPENDENT POLICE REVIEW AUTHORITY
Log #1045759 / U # 11-26

INVESTIGATION

NUMBER: Log #1045759 / U #11-26

OFFICER

INVOLVED: “Officer A” (Chicago Police Officer); Male/Black; 60 years old;
Off-Duty; Civilian Dress; Year of Appointment – 2003

OFFICER’S

INJURIES: Abrasions to the elbow.

SUBJECT: “Subject 1”; Male/Black; 17 years old

SUBJECTS

INJURIES: Gunshot wound - graze to right index finger.

LOCATION: 6243 S. Vernon Avenue – alley.

DATE/TIME: 30 May 2011, at approximately 1815hrs.

SUMMARY OF INCIDENT:

On 30 May 2011, at approximately 1815 hours, Officer A was off-duty and driving his personal vehicle (2006 Lexus, IL plates, Lic # XXXXX XX) eastbound on 60th when he noticed a male, now known as Subject 1, firing a weapon westbound toward King Drive. After shooting several rounds, Subject 1, along with a second male, got onto bikes and rode southbound on Vernon Avenue. Officer A pursued them in his personal vehicle.

After the second male halted his bike in front of a building, Officer A followed Subject 1 into an alleyway at 62nd and Vernon Avenue. Officer A stopped his vehicle at the mouth of the alley, exited the vehicle, unholstered his weapon, announced that he was a police officer, and ordered Subject 1 to put his hands on the fence. Subject 1 complied and upon being searched, a revolver was recovered from his pocket. Officer A placed the revolver in his own pocket, out of Subject 1's sight, and then ordered Subject 1 to lay on the ground next to an open door of the vehicle.

Officer A placed his knee on Subject 1's back, switched his weapon from his dominant right hand to his left hand, and then reached for his cell phone inside of the car. Officer A called for assistance for a man with a gun and then placed the phone back inside the vehicle. Officer A later related that Subject 1 stated "When I get my wind, I'm gonna take that gun away from you". As Officer A attempted to switch his weapon back to his right hand, Subject 1 pushed up and turned toward Officer A. A struggle ensued as both men got to their feet and struggled to take control of the weapon. Fearing for his life, Officer A fired his weapon. After the shot, both men fell to the ground and continued to struggle.

Shortly thereafter, on-duty officers arrived at the scene and placed Subject 1 in handcuffs. Officer A sustained scratches and bruises to his elbow and experienced chest pain following the struggle. Subject 1 sustained a gunshot wound described as a graze to his right index finger.¹

¹ The information for the Summary of Incident was obtained from the Chicago Police Department's Case Supplementary Report and the Major Incident Notification Detail Report. At the time of this incident, the Roundtable Panel was no longer being conducted and the IPRA had not yet implemented the post-shooting report that is completed after a police involved shooting. The post shooting report was implemented in August 2011.

INVESTIGATION:

The **Department Reports** name Subject 1 as the offender in this incident. The reports further indicate that Subject 1 was shot by off-duty CPD Officer A after he (Subject 1) attempted to obtain the officer's weapon. The Department reports are consistent with the summary within this report and the statement provided by the involved officer.

The **OEMC Reports** were collected and included in this case file. An analysis of said documents show no information that is inconsistent with the facts as related by the involved officer.

The **Tactical Response Report** submitted by Officer A documented that the subject (Subject 1) "did not follow verbal direction", "pulled away", was an "imminent threat of battery", "attacked with weapon", and "used force likely to cause death or great bodily harm". Officer A responded with "member presence", "verbal commands", and the use of his "firearm".

The **Officer's Battery Report** submitted by Officer A documented that he received non-fatal minor injuries. The offender used his "hands/fists" to injure Officer A and attempted to obtain Officer A's weapon.

The **Arrest Report** of Subject 1 documented that he was arrested for possession/use of a firearm and attempting to disarm a police officer. The narrative of the report contained essentially the same information as in the summary.

IPRA investigators conducted canvasses in an attempt to locate witnesses and/or evidence. No additional information was obtained.

During a **personal visit to Saint Bernard Hospital** to obtain information regarding Subject 1's medical status, Doctor A stated that Subject 1 sustained a superficial wound to his right index finger. Doctor A was unable to determine whether the wound was caused by a bullet from a firearm. Doctor A stated that he treated Subject 1 and then released him to police custody.

Attempts to interview **Subject 1** were unsuccessful.

In an audio recorded statement to IPRA, Officer A related the facts concerning his involvement in this event in a manner consistent with the Departmental Reports and the summary contained within this report. Additionally, Officer A stated that when his weapon was discharged, Subject 1's right shoulder was pressed against Officer A's chest. Both men had their hands on the weapon, and the firearm was pointed upwards.

Illinois State Police Forensic Science Laboratory Reports documented the examination of the recovered ballistic evidence in comparison to the firearm

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belonging to Officer A and the firearm belonging to the offender, Subject 1. It was determined that one cartridge case was fired from Officer A's Beretta 9mm pistol, SER # 354587; and six cartridge casings were fired from the offender's Con Prod Inc .22 revolver, SER # defaced.

It was also determined that the back of Subject 1's right hand contained a minimum of three(3) tri-component and additional consistent primer gunshot residue (PGSR) particles. It was concluded that Subject 1 either discharged a firearm, had contact with a PGSR related item, or had both hands in the environment of a discharged firearm.

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A was **Justified** and in compliance with Chicago Police Department policy and Illinois State statutes. According to the Chicago Police Department's General Order 03-02-03, 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 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."

Subject 1 was pursued by Officer A after being observed discharging several rounds from a firearm. Upon being searched, a .22 caliber revolver was recovered from his pocket.

While waiting for police assistance, Subject 1 attempted to obtain Officer A's weapon. In fear for his life, Officer A discharged the firearm, grazing Subject 1's right index finger.

Subject 1 was taken into custody.

Department reports and Illinois State Police Forensic Science Laboratory Reports support the account provided by Officer A.